Tuesday
29th May, 1956

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I- Questions and Answers)

1956

PARLIAMENT SECRETARIAT
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GIPN-S3-146 Lok Sabha 564—21-3-57-840

Acc. No.....
Dated.....30.03.20

LOK SABHA

Tuesday, 29th May, 1956

The Lok Sabha met at Half Past Ten of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

CENTRAL SOCIAL WELFARE BOARD

*2624. **Shri I. Eacharan:** Will the Minister of **Education** be pleased to state:

(a) whether the benefits of the schemes launched by the Central Social Welfare Board are not open to the Scheduled Castes; and

(b) if so, the reasons therefor?

The Deputy Minister of Education (Dr. M. M. Das): (a) The services provided by the Board are open to all without distinction of caste, creed or religion.

(b) Does not arise.

Shri I. Eacharan: May I know whether any amount has been exclusively set apart for the welfare of Scheduled Castes and Scheduled Tribes and, if not, what are the reasons for the same?

Dr. M. M. Das: No separate allocation or special sum has been earmarked for Scheduled Castes or Scheduled Tribes, but some welfare extension projects have been established in Scheduled Tribes areas.

Shri Thimmaiah: Is it a fact that the Central Social Welfare Board has issued a circular to the branch Boards that no money should be spent on the welfare of Scheduled Castes and Scheduled Tribes?

Dr. M. M. Das: We have got no information on this particular point.

Shri T. S. A. Chettiar: Is it not a fact that the Scheduled Castes and Scheduled Tribes have a definite scheme of scholarships in the State Government separately and that is the reason why these people have been asked not to duplicate the things?

Shri Thimmaiah: This does not deal with scholarships.

Dr. M. M. Das: This does not deal with scholarships at all.

Shri B. S. Murthy: Is it a fact that the Chairman of the Central Social Welfare Board has issued a circular to the various colleges, hostels and other organisations that this Central Social Welfare Board will not be able to give any grants to the welfare work carried on for Scheduled Castes and Scheduled Tribes?

Dr. M. M. Das: There are particular types of welfare work which are carried on by this Central Social Welfare Board. I do not understand what relation the Board's activities has got with hostels, etc.

Shri N. Rachiah: Is it a fact that the Board has laid down that Backward Classes, Scheduled Castes and Scheduled Tribes institutions are not entitled to any aid under this scheme, as they have got separate schemes? And, if there are such separate schemes, may I know what are the schemes under the Education Ministry?

Dr. M. M. Das: I think the position is just the opposite. It is made one of the conditions of the grant that no distinction should be made in the matter of caste, creed or religion, so far the services of the Board are concerned.

Shri Velayudhan *rose—*

Mr. Speaker: I have allowed a number of supplementary questions. Hon. Members will see that we have just started. There are 45 Questions on the Order Paper. At least let me finish 30 Questions. Each question appears to be very important when it is taken up—until we go to the next question.

MAHANADI FLOODS

*2625. **Shri Sanganna:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Government of India have received any report of assessment of damages caused through floods in the Mahanadi during 1955, by a committee appointed by the Government of Orissa; and

(b) if so, the reaction of Government to it?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) A grant of Rs. 227 lakhs and a loan of Rs. 73 lakhs have already been sanctioned to the State Government for flood and drought relief.

Shri Sanganna: May I know the actual damage caused to life and property during these floods?

Shri Datar: Sir, the damage is considerable. The number of dead is 45; the number of livestock lost 4,170; the extent of houses damaged is valued at Rs. 71,85,000 and crop damaged Rs. 4,14,40,000, and breaches about 420.

Shri Sanganna: May I know whether there is any proposal to constitute a flood control board as in the case of U. P., Bihar and Assam?

Shri Datar: Sir, I do not deal with that particular subject.

Shri Raghavaiah: Do Government propose to take any steps to see that the recurrence of floods is averted in the future, instead of giving all this relief to the flood-affected victims?

Shri Datar: If I remember aright, Government have already taken this question in hand.

Shri Sarangadhar Das: May I know the amount of assistance that the Government of Orissa had asked for and the proportion of that amount that has been granted?

Shri Datar: I have not got the figure in respect of the amount asked for, but we have laid down or rather the Finance Ministry have laid down certain rules according to which they bear a proportion of the costs, and on that basis Rs. 3 crores have been advanced.

ENCASHMENT OF SAVINGS CERTIFICATES

*2626. **Shri N. B. Chowdhury:** Will the Minister of **Finance** be pleased to state:

(a) whether Government have received any representations regarding the difficulties experienced in encashment of National Savings Certificates owned by the Government employees who had been working in Pakistan and have opted for service in India at the time of partition;

(b) if so, the nature of such difficulties; and

(c) the steps taken to mitigate them?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) Yes, Sir.

(b) The difficulties experienced generally are:—

(i) delays in the receipt of verification lists from Pakistan,

(ii) applications for the transfer of certificates not registered before the prescribed date, namely, 30th June 1949,

(iii) certificates pledged as securities not released by the pledgees in Pakistan.

(c) (i) Appointment of Liaison Officers in October 1954 for expeditious exchange of verification lists,

(ii) discussions with the Pakistan Government for providing facilities for the settlement of unregistered claims,

(iii) making the Central Claims Organisation responsible for securing the early release of certificates pledged as security.

Shri N. B. Chowdhury: May I know whether Government have at their disposal the number of such cases and the amount involved, that is, the number of persons who were facing such difficulties and the amount involved?

Shri B. R. Bhagat: Under what head? I explained three kinds of difficulties. Under what head does he want?

Shri N. B. Chowdhury: The amount involved in these National Savings Certificates.

Shri B. R. Bhagat: I have said that some of the claims are being referred to the Central Claims Organisation, and unless the whole thing is finalised we cannot give the total number. And for that I would require specific notice.

Shri Damodara Menon: May I know what is the position of those persons who have not made their applications before the appointed date?

Shri B. R. Bhagat: For transfer?

Shri Damodara Menon: Yes. What is the position of those persons?

Shri B. R. Bhagat: They were asked to submit applications to the Central Claims Organisation. And for this rule had been relaxed that they might register their claims for transfer within a period of six months from the date of release of these certificates or 30th April, 1956, whichever is later.

Shri Velayudhan: May I know whether it is a fact that those officials who had opted for Pakistan, the Muslim officials there, were not given the cash certificates or cash when they wanted, and that the delay here comes because of that trouble also?

Shri B. R. Bhagat: I could not say. But this question relates to those who opted for India, not for Pakistan.

Shri Velayudhan: I wanted to know whether it is not a fact that the delay or difficulty here came because of the delay being practised on the employees who have opted for Pakistan, in other words a tit for tat affair.

Shri B. R. Bhagat: No, there has been no delay from our side.

Import of Armaments

***2627. Sardar Iqbal Singh:** Will the Minister of **Defence** be pleased to state:

(a) whether India still imports armaments from foreign countries;

(b) whether there is any programme for self-sufficiency in this matter; and

(c) how far this has progressed?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes, Sir.

(b) and (c). Every effort is being made to achieve self-sufficiency in armaments and steady progress is being made.

Sardar Iqbal Singh: May I know the time by which Government will have self-sufficiency in India in medium-size and small-size weapons?

Sardar Majithia: This is all linked up, as you know, Sir, with the industrial development of the country. And as the industry develops in this country, these will automatically come up.

Shri Bhagwat Jha Azad: In reply to part (a) of the question the hon. Minister said "yes". When they are still importing from outside such things which can be produced in our establishments, may I know how the Government propose to retrench such a large number of persons from these establishments when there is scope for producing the same things which we are importing from outside?

Sardar Majithia: Nothing which can be produced here is imported from outside.

Shri Kamath: Arising out of the answer to part (a) of the question, is it a fact that as a result of the visit of Lord Mountbatten recently.....

Mr. Speaker: That was asked some time ago.

Shri Kamath: No. Sir. The question I am going to put has not been asked; you have not heard my whole question.

Is it a fact that as a result of the visit of Lord Mountbatten here, millions of pounds worth of arms order has been placed by India with the U. K. at the same time turning down better and more reasonable offers from other countries; and, if so, which are those countries whose offers have been refused?

Sardar Majithia: I think the hon. Member knows better. In the Defence Ministry, we are only ordering for those specific items which we need for our defences. There are very large questions, for instance, aircraft carriers etc., about which questions have already been asked and answered a number of times.

Shri Kamath: On a point of order, Sir. The second part of the question was whether better offers were made by other countries and which countries were they whose offers were turned down.

Mr. Speaker: The hon. Minister has said that he purchases these armaments which are available in the market. Naturally, they will go in for the best ones.

Shri Kamath: Sir, armaments were offered by other countries also.

Mr. Speaker: I would urge upon the hon. Member that ultimately, whoever may be the authority, one has to make the selection. How can we say, why did you not take it from so and so?

Shri Kamath: I want to know which countries are those whose offers were turned down.

Mr. Speaker: It may not be in public interest to disclose it.

Shri Kamath: If it is, not, let him say so.

Sardar Majithia: It is not in public interest to disclose it.

Shri S. V. Ramaswamy: The word 'armaments' is a very comprehensive one. May we know whether it refers to heavy armaments or even those like bren guns, sten guns and so on and also rifles and such small things?

Sardar Majithia: Certainly, we are producing armaments and ammunitions, sten guns, rifles and a number of other things.

Shri S. V. Ramaswamy: Are we self-sufficient, Sir?

Shri Joachim Alava: Before considering the question of manufacture of armaments may I ask the hon. Minister whether it is true that we are importing ordinary cap frills for the Navy from the United Kingdom when we can produce them in our own textile mills?

The Minister of Defence (Dr. Katju): I want notice.

Shri T. B. Vittal Rao: May I know if it is a fact that some of the armaments like the bren gun etc. which were being manufactured in India during the war are now being imported from abroad?

Dr. Katju: I do not think that is correct.

Sarar Iqbal Singh: May I know whether it is a fact that so far as artillery is concerned, we are totally dependent on foreign countries—ten-pounders and twenty-five pounders—and whether Government of India have taken any step to manufacture these items in Inda?

Dr. Katju: I have said more than once that Government is taking the most effective steps to make India self-sufficient in the production and manufacture of arms. But, it is not possible to do so within a year. What we lack we have to import; but, we want to get over this deficiency as quickly as possible. It will not be in public interest to give any more details about this matter.

GHEE SCANDAL CASE

*2628. **Shri Gidwani:** Will the Minister of **Home Affairs** be pleased to state:

(a) when was the criminal case against Shri B. P. Bhargava, former Chief Director of Purchase, Ministry of Food and others on the charge of conspiracy to cheat the Government of India in respect of supply of milk ghee to the Armed Forces filed and when the same was decided; and

(b) the total expenditure incurred by Government in the case?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) The charge sheet in this case was filed in the Court on the 19th April, 1952, the judgment was delivered on the 2nd May, 1956.

(b) It is not possible to give the exact expenditure incurred on this particular case as no accounts are maintained in the Special Police Establishment for individual cases, but only for the entire Establishment.

Shri Gidwani: Is it a fact that the contract for the supply of ghee was given to a firm called the Sudh Ghee Vyapar Mandal, Queensway, New Delhi, a firm started by some ghee merchants of U. P. and, if so, how long that firm existed before it got the contract and for how much the contract was given?

Shri Datar: It is true that the contract was given on 18-12-48 and the value exceeded Rs. 1,30 lakhs for the supply of 2,600 tons of milk ghee with the option to Government to increase or decrease it by 25 per cent. for the Defence Forces.

Shri Gidwani: Who were the other accused; how many of them were officials and how many non-officials; were all of them convicted; and what was the sentence passed on them?

Shri Datar: There were in all 16 accused; 7 have been convicted including Shri Bhargava. As was pointed out, Shri Bhargava was convicted under section 420 of the Indian Penal Code and also 5 (2) of Act II of 1947. He was sentenced to rigorous imprisonment of one year and a fine of Rs. 10,000. Under section 5 (2) of the Prevention of Corruption Act, he was sentenced to undergo rigorous imprisonment for two years.

Shri Gidwani: Has the fine been realised?

Pandit D. N. Tiwary: May I know the expenditure incurred on lawyers?

Shri Datar: It is not possible to give the break-up.

Shri Raghavaiah: Has the fine been realised?

Shri B. S. Murthy: May I know whether the losses of the Government have been realised from these officers who were in a position to pay and whether the fines that were imposed have been also realised and credited to Government?

Shri Datar: We are dealing with the question of a prosecution and in respect of a prosecution we can recover only the fine. And, so far as the recovery of the fine is concerned, the judgment was delivered only on the 2nd May, 1956 and it is too early to have the fine recovered.

Shri Gidwani: Is it a fact that the judgment was postponed a number of times and, if so, how many times?

Mr. Speaker: The judgment has now been delivered.

Shri Gidwani: It has taken a long time from 1948 to 1956.

Shri Datar: The case was adjourned more or less at the instance of the defence. They wanted the charge to be

quashed and certain other things to be done and the case to be transferred and so on. The hon. Member will see the enormity of the case when he knows that there are 1,000 pages in the judgment and 129 prosecution witnesses, 23 defence witnesses and 6 court witnesses were examined and about 10,000 documents have been produced in the case.

सन्दिग्ध निष्ठा वाले पदाधिकारी

*२६२९. **श्री दिगम्बर सिंह** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि योजना आयोग की प्रशासन सुधार समिति की सिफारिशों पर एक आदेश जारी किया गया था कि सन्दिग्ध निष्ठा के पदाधिकारियों को ऐसे पदो पर नियुक्त न किया जाये, जहां उनके लिये अपने स्वविवेक से काम करने की काफी गुंजाइश हो;

(ख) यदि हां, तो ऐसे कितने पदाधिकारियों को ऐसे पदों पर नहीं रखा गया या कितने पदाधिकारियों को ऐसे पदों से हटाया गया; और

(ग) सरकार किसी व्यक्ति की निष्ठा की जांच करने के लिये क्या कसौटी अपना रही है ?

गृह-कार्य मंत्रालय मे मंत्री (श्री दातार) : (क) जी हां । जारी किये गये आदेश की एक प्रति सभा-पटल पर रख दी गई है [**देखिये परिशिष्ट १५ ,अनुबंध सं० ३१**] ।

(ख) ऐसी नियुक्तियों से हटाये गये पदाधिकारियों की कोई सूची नहीं है । चयन करते समय इन आदेशों को ध्यान में रखा जाता है और केवल वे ही पदाधिकारी चुने जाते हैं जिनकी निष्ठा की ख्याति संतोषजनक है ।

(ग) सामान्यतः सरकारी कर्मचारी की निष्ठा की जांच उसके सामान्य आचरण, ख्याति और उसके कार्य की रिपोर्टों के आधार पर की जाती है ।

Shri T. A. S. Chettiar: Can we have the answer in English, Sir ?

Mr. Speaker: The hon. Minister may read the answer in English also.

Shri Datar: (a) Yes. A copy of the orders issued is laid on the Table.

(b) There is no list of officers specifically excluded from such appointments. In making selections from the field of choice these instructions are taken into account and only those whose reputation for integrity is satisfactory are selected.

(c) Integrity of a Government serant is generally judged by his general conduct, reputation and reports on his work.

श्री दिगम्बर सिंह: किस विभाग में इस किस्म पदाधिकारी सबसे ज्यादा पाये गये हैं ?

Shri Datar: I did not follow the hon. Member.

Mr. Speaker: Nor did I.

श्री दिगम्बर सिंह : किस विभाग में सबसे अधिक इस प्रकार के पदाधिकारी पाये गये हैं ?

श्री दातार : इस किस्म की सूची देना सम्भव नहीं है ।

Shri G. P. Sinha: May I know if any officers of the I. A. S., I. P. S. or I. C. S. have been discharged or dismissed on account of doubtful integrity in 1956 or 1955 ?

Shri Datar: That would be a different question, but I might point out to the hon. Member that these instructions apply to all the officers, from the lowest to the highest.

Shri Sinhasan Singh: May I know if the attention of the Government has been drawn to the lengthy report of the Auditor-General about advances made to an Embassy officer three times for a car and that the officer purchased a car and sold it without using it ?

Shri Datar: I shall take this information from the hon. Member and see how the facts are.

Mr. Speaker: Hon. Members may write to the Minister on individual cases.

Shri Sinhasan Singh: The Minister has not read the report of the Auditor-General in which the Auditor-General says about the integrity of the different officers.

Shri Datar: That is what I have already pointed out.

Shri Sinhasan Singh: But he is taking the information from me.

Mr. Speaker: What I would urge upon hon. Members is this. There are a number of such individual cases, and if the hon. Members will kindly go through the rules, they will find that if they want to ask particular questions, it is better that they give previous intimation to the Minister, say, 15 or 20 minutes, so that the Minister may come prepared to answer them. It is not as if the Minister should have read all these reports and must have the information at his fingers' ends in respect of all these individual cases.

श्री भक्त दर्शन : क्या गवर्नमेंट इस बात को अनुभव करती है कि कभी कभी ऐसा भी होता है कि अगर बड़े अफसरों को सलाम न किया जाये, यहां तक कि अगर उनकी लड़कियों की शादियों में डालियां न पहुंचायी जायें, तो वे अपने मातहत अफसरों के खिलाफ रिकार्ड लिख देते हैं । क्या इस प्रकार की कार्यवाही के खिलाफ किसी प्रकार की रोकथाम की जाती है ?

Shri Datar: I have already pointed out that whenever there are any reports or endorsements made in the confidential records, they are checked by the higher officers, and if anything wrong is found, then the officer making the endorsement is taken to task.

Shri Kamath: Am I right in saying that Government never appoint to high office or to any office a person in respect of whose integrity or otherwise an enquiry has been demanded by a Committee of Government or a Committee of Parliament?

Shri Datar: Government have got sufficient resources at their disposal to find out whether a particular person bears a good reputation or does not bear a good reputation. Government consider all the circumstances and then make the appointments.

Shri Kamath: Is it not a fact that..

Mr. Speaker: He asked the same question yesterday, and I think it was about the A. I. R.

Shri Kamath: No, Sir. Is it not a fact that a person in respect of whose dealings and transactions the Public Accounts Committee of Parliament recommended or demanded a high level judicial enquiry, has been appointed, rather promoted to be a Minister of Government without Portfolio, and recently with Portfolio?

Mr. Speaker: This question need not be answered.

Shri Kamath: Why should it not be answered, Sir?

Mr. Speaker: Not in the public interest. This has been asked a dozen times.

Shri Kamath: This was never asked. On what ground should it not be answered? Of course, you have got the fullest power to disallow a question, and I do not question your authority.

Mr. Speaker: A full statement, not once, not twice but at least three times, has been made with respect to these matters and why judicial enquiry should not be had. Once again, if this question is to be ranked up, there will be no end to it. It has been settled.

Shri Kamath: We have not settled it on this side; Government may have settled it.

RECRUITMENT TO DEFENCE SERVICES

***2630. Shri Madiah Gowda:** Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that instructions were given to the recruiting officers that particular attention should be paid to encourage recruitment to the Defence Services in the States of Madras, Mysore, Hyderabad and Travancore-Cochin; and

(b) if so, with what results?

The Deputy Minister of Defence (Sardar Majithia): (a) Instructions have been issued to all recruiting officers, including those in the States of Madras, Mysore, Hyderabad and Travancore-Cochin, that particular attention should be paid to encourage recruitment to the Defence Services from the areas from which recruitment in the past was not satisfactory.

(b) The intake of recruits from these States since the issue of those instructions has, by and large, shown improvement.

Shri Madiah Gowda: After the issue of these instructions, how many more persons are recruited in those areas, that is, more than what would have been recruited there in the ordinary course?

Sardar Majithia: I can give the figures. In the case of Madras, there has been an increase of 20 per cent. over the figure of 1949 and the figure of 1954. In the case of Mysore, the increase is about 85 per cent. In the case of Travancore-Cochin, there is about 10 per cent. increase, and in respect of Hyderabad, the increase is between 500 and 800 per cent.

Shri Velayudhan: May I know whether it is not a fact that since Independence, in regard to the selection for the Defence Service Commissions from Madras, Mysore, Hyderabad and Travancore-Cochin, especially in South India, it has been reduced considerably and many cases have practically been thrown overboard?

Sardar Majithia: There is an increase.....

Shri Velayudhan: I refer to commissioned officers.

Sardar Majithia: I have not got the figures for commissioned officers, but I doubt very much if there is any reduction. As a matter of fact, I am quite sure that they are looked after well, and I should like to add once again that the selection of officers is entirely on merit, and merit alone.

Shri R. P. Garg: What was the effect of these instructions on recruitment in Punjab? Was it discouraged?

Sardar Majithia: I do not think it was discouraged, although it is quite true that certainly one recruiting centre was lessened for administrative reasons, but it has not affected the recruitment.

Shri Thanu Pillai: Is it a fact that people are not enthusiastic in joining the Defence Services in view of the fact that there is discrimination in the matter of Promotion?

The Minister of Defence (Dr. Katju): There is no discrimination in promotion at all.

Pandit D. N. Tiwary: What was the special reason for issuing this notification? Was it because the people were averse to being recruited or the officers were not recruiting?

Dr. Katju: I am most anxious that people of all parts of the country should have equal opportunities for offering themselves for service in the Armed Forces, and wherever we have found that there has been a fall in recruitment, those instructions have been issued. That is all.

Shri B. S. Murthy: May I know whether the Minister is aware that there is a feeling in South India that in recruiting officers to the Defence Services, injustice is being done? Whether it is right or wrong, that feeling is there. What steps are being taken to remove that feeling?

Dr. Katju: The feeling is not there; the injustice is not there; the answer is entirely in the negative in every way. The result is that it may be that people are very highly educated there and the number of applicants is limited. Please remember that you have to go through an examination for selection to be enrolled in the Khadakvasla National Defence Academy and the various colleges. The only consideration is that of merit and not of race, sex, creed or anything else.

भारतीय वायुसेना गवेषणात्मक-भ्रमण सोसाइटी

*२६३२. **श्री भक्त दर्शन** : क्या प्रति रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि गत कई वर्षों से भारतीय वायुसेना की गवेषणात्मक भ्रमण सोसाइटी प्रति वर्ष गवेषणात्मक दलों को हिमालय पर भेजती रही है;

(ख) यदी हां, तों सोसाइटी की स्थापना के बाद उस सोसाइटी द्वारा बनाये गये दलों द्वारा अब तक कितने क्षेत्र की गवेषणा की गई है ;

(ग) १९५६ में सोसाइटी ने गवेषणा के लिये कौन सा क्षेत्र चुना है ; और

(घ) इस सोसाइटी को अभी तक कितनी वित्तीय या अन्य सहायता दी गई है या दी जाने वाली है ?

प्रतिरक्षा उपमंत्री (सरदार मजीठिया) : (क) जी हां, सोसाइटी प्रति वर्ष गवेषणात्मक दलों को भेजती रही है।

(ख) अभी तक इस सोसाइटी ने निम्न-लिखित गवेषणात्मक दलों को भेजा है :—

(१) लाहौल और कुल्लू घाटियों में बारालाचा दर्रे तक;

(२) कुमायूं के पर्वतों में भियुन्द्र घाटी तक;

(३) गंगोत्री के ग्लेशयर तक; तथा

(४) जमनोत्री तक।

(ग) ऐसा पता चला है कि सोसाइटी का विचार है कि या तो पिंडारी ग्लेशियर या रूप कुण्ड और गोहाना झीलों और बद्रीनाथ क्षेत्र के लिए गवेषणात्मक दलों को भेजा जाये।

(घ) कुछ नहीं।

श्री भक्त दर्शन : क्या रक्षा मंत्रालय इस तरह की सोसाइटी के कार्य को पसन्द करता है और क्या इस कार्य को प्रोत्साहन देने के लिये कुछ और कदम बढ़ाने का विचार है, खास कर उसको आर्थिक सहायता देने की दिशा में ?

सरदार मजीठिया : जहां तक आर्थिक सहायता देने की बात है, इस सोसायटी ने अभी तक इसके लिये मांग नहीं की है। अगर वह इसकी मांग करेगी तो उस पर विचार किया जायगा।

श्री भक्त दर्शन : क्या यह विचार किया जा रहा है कि वायुसेना के अतिरिक्त भूमि सेना और जल सेना में भी इस तरह की सोसाइटियां बनाई जाये और उनके द्वारा भ्रमण के प्रति एक आकर्षण पैदा किया जाये ?

सरदार मजीठिया : यह तो वायुसेना ने बनाई है। दूसरी दोनों सेनायें अगर इस तरह की सोसाइटियां बनाना चाहें, तो वे बना सकती हैं मगर इतना मैं यहां पर कह सकता हूं कि दूसरी दोनों सेनाओं के आफिसर्ज इन दलों में शामिल थे।

पारपत्र अधिनियम

*२६३३. **श्री रघुनाथ सिंह** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हैदराबाद और इलाहाबाद के हाईकोर्टों ने यह निर्णय दिया ह कि भारतीय पारपत्र अधिनियम के अनुसार भारत में निश्चित अवधि से अधिक ठहरना कोई अपराध नहीं ह और उन्होंने इस अधिनियम के अन्तर्गत अभियुक्त व्यक्तियों को छोड़ देने का आदेश दे दिया है; और

(ख) यदि हां, तो सरकार इस सम्बन्ध में क्या कार्यवाही करना चाहती है ?

गृह-कार्य मंत्रालय में मंत्री (श्री दातार):

(क) जी, हां।

(ख) यह विषय विचाराधीन है।

श्री रघुनाथ सिंह : क्या मैं जान सकता हूं कि इस वक्त भारतवर्ष में कितने फौरनर्स का ओवरस्टे हो रहा है ?

श्री दातार : इसका नम्बर मैंने दिया है, इस समय मुझे उनकी ठीक संख्या याद नहीं आ रही है।

Shri Kasliwal : If a visa is given to a foreigner to stay in the country for a particular period and if that expires what steps does the Government take in order to expel that man from the country ?

Shri Datar : That is exactly the question that was the subject-matter of adjudication between the Hyderabad and Allahabad High Courts on the one hand and the Nagpur High Court on the other. The latter has held that overstaying beyond the permitted

period does constitute an offence under the Indian Passport Act while the other two High Courts have thought otherwise. The matter is under consideration.

श्री एम० डी० जोशी : इनमें से पाकिस्तान से आये हुए कितने हैं ?

श्री दातार : मैंने वह नम्बर दिया है ।

श्री रघुनाथ सिंह : क्या मैं जान सकता हूं कि सरकार की तरफ से सुप्रीम कोर्ट में कोई अपील दायर होगी ?

श्री दातार : भारत सरकार की ला मिनिस्ट्री इस विषय के बारे में सोच रही है ।

Gold Mines

***2634. Shri R. P. Garg :** Will the Minister of **Natural Resources and Scientific Research** be pleased to state :

(a) the number of gold mines that were working during 1954 and 1955 and the quantity produced in each of them ;

(b) whether Government propose to nationalise gold mines in the near future and if so, when ; and

(c) whether Government have surveyed other areas where gold is likely to be found ?

The Minister of Natural Resources (Shri K. D. Malaviya) : (a) to (c). A statement giving the desired information is laid on the Table of the House. [*See* Appendix XV, annexure No. 32].

Shri R. P. Garg : Is our local gold production sufficient to meet our requirements or are we to import to meet our requirements ?

Shri K. D. Malaviya : Our Ministry is concerned with the technical aspect of the question. I do not know whether we are producing all the gold that we require in the country. But, I presume that we are producing the gold that we require.

Dr. Rama Rao : The statement says that the question of nationalisation of Kolar gold mines is under discussion. Is it a fact that the Centre is bringing pressure on the State Government to give a much higher compensation than the reasonable compensation which the State Government is prepared to give ?

Shri K. D. Malaviya : I am not aware of any pressure being put on the Mysore Government to pay higher compensation.

Shri T. B. Vittal Rao : In reply to an unstarred question regarding the mapping of the gold mine areas in Chitoor in Andhra it was said that it would take 2-3 years. Why should the small mapping programme take so much time ?

Shri K. D. Malaviya : The programme of mapping is not a small one. A good number of people are required when mapping large areas like these and after they study them then the required maps are prepared. So, it is not a small programme.

Shri T. B. Vittal Rao : May I know if it is a fact that the Bureau of Mines undertook prospecting work for gold in Orissa and it was given up after spending about Rs. 45 lakhs ?

Shri K. D. Malaviya : I am not aware if Rs. 45 lakhs were spent for this. It has been abandoned because it was found after detailed investigation that it would not be a profitable proposition.

Shri P. C. Bose : May I know the number of foreign technicians and mining experts working in these groups of gold mines and also if there is any Indian working in the same level ?

Shri K. D. Malaviya : The KGF is run by the State Government. I am not aware of the exact number of foreigners.

Shri Joachim Alva : Has the Government seen the editorial in the *Hindustan Times* of May 20th entitled 'Soviet Gold'? The Soviet country, they say, is an undeveloped country and is producing ten million ounces of gold and it is a seller of gold. Has

the Government been calling any experts for this Ministry to see that our position in this regard improves and we may be able to sell at two lakhs ounces of gold ?

Shri K. D. Malaviya : Government is not contemplating any experts in order to investigate the question concerning gold production in the country because we know the position and exactly how it is.

Shri R. P. Garg : In view of the fact that India may be required to make some payments in gold to foreign countries which are not covered by dollar or sterling, may I know if the Government would like to make efforts to increase the output of gold ?

Shri K. D. Malaviya : Our Ministry is concerned, as I said earlier, with the technical aspect of the question. Unfortunately, the production of gold is going down but there are technical reasons for that.

SCHEDULED CASTES REPRESENTATION IN STATUTORY BODIES

***2636. Shri Ramananda Das :** Will the Minister of **Home Affairs** be pleased to state :

(a) the steps taken by Government to fix up and implement the quota for the appointment of Scheduled Castes in statutory bodies and institutions which are financed by Government ; and

(b) the total number of appointments made in the above institutions in the year 1955-56 and the number of Scheduled Castes in each of them ?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) The policy of the Government of India in regard to the recruitment of members of the Scheduled Castes to Statutory and Semi-Government Bodies has been explained in my reply to Unstarred Question No. 157 given on the 28th February, 1956.

(b) Information regarding appointments made during the year 1955-56 in each of the Statutory Bodies, etc., and number of persons belonging to the Scheduled Castes recruited will be collected and laid on the Table of the House.

Shri Ramananda Das : May I know when the information will be placed on the Table of the House ?

Shri Datar : I hope it will be possible to place it on the Table of the House during the next session of Parliament.

Shri Velayudhan : Has the Home Ministry not circulated a note regarding the representation of Scheduled Castes and Tribes in these statutory institutions on the basis of the percentage to which they are entitled ?

Shri Datar : I do not know if the hon. Member had read my reply to the unstarred question No. 157. If he had read that, the whole position would have been clear. The Home Ministry has taken up this question with all the Ministries and the different Ministries have been requested to issue a directive if that could be done or to give suggestions to all these bodies.

Shri Velayudhan : Is it a fact that, in spite of this circular, very few Scheduled Caste Officers were appointed in these statutory bodies and in certain cases the percentage is nil.

Shri Datar : That information is incorrect because along with the reply to the unstarred question a statement was placed before the House and that statement shows that this suggestion has been accepted by a very large number of these bodies.

MANIPUR OFFICERS

***2637. Shri Rishang Keishing :** Will the Minister of **Home Affairs** be pleased to state :

(a) the number of pre-integration officers in Manipur whose services were confirmed, whose names were published in Manipur State Gazette and who were entitled to the revised scale of pay since 1950 ;

(b) whether it is a fact that the present Chief Commissioner of Manipur has passed an order to treat all gazetted officers mentioned in part (a) as temporary officers;

(c) if so, the reasons for doing so; and

(d) the number of officers who will be affected?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) to (d). The required information is being collected and will be laid on the Table of the House when received.

NAGARJUNAKONDA-SCULPTURES

***2639. Dr. Rama Rao:** Will the Minister of **Education** be pleased to state :

(a) whether any sculptures from Nagarjunakonda and Amarnath have been removed to Saranath or other places;

(b) if so, the details thereof; and

(c) when they will be brought back?

The Deputy Minister of Education (Dr. M. M. Das): (a) Yes, Sir.

(b) One Ayaka slab showing the stupa of 3rd century A. D. of limestone showing seated Buddha in Abhayamudra, measuring 4 feet 4 inches by 2 feet 2 inches was brought from Nagarjunakonda to New Delhi.

(c) This has not yet been decided.

Dr. Rama Rao: In view of the proposal to construct a museum on the Nagarjunakonda Hill, may I know why it has not been decided to return these sculptures to the museum at least after it is constructed?

Dr. M. M. Das: It will be decided later. The Government will take back this piece of sculpture to Nagarjunakonda, but I am not in a position to give the exact date.

Dr. Rama Rao: May I know where it is placed in Delhi?

Dr. M. M. Das: It is now in the Asian Antiquities Museum.

Shri B. S. Murthy: May I know whether the Andhra Government have made a request to the Central Government to return all the precious sculptures that have been removed from Nagarjunakonda so as to enable them to house them in the museum they are going to construct now?

Dr. M. M. Das: Only this specimen has been taken from Nagarjunakonda. No other specimen has been taken from Nagarjunakonda or Amaravathi to other places of India.

Shri B. S. Murthy: May I know whether the hon. Deputy Minister is aware that several very precious works of art from Nagarjunakonda have been removed?

Mr. Speaker: He says 'No'; these are the only ones.

Dr. Rama Rao: Previously, Sir.

Dr. M. M. Das: This is the only specimen that has been taken from Nagarjunakonda and it is now in Delhi. If the hon. Member has got any detailed information he may kindly pass it on to me.

Shri Kasliwal: May I know what is the progress made in the construction of this museum at Nagarjunakonda?

Dr. M. M. Das: There is a proposal to construct a museum in the Nagarjunakonda Hill where all these excavated material would be placed. But, it will take some time.

Ex-EMPLOYEES OF CIVIL SUPPLIES DEPARTMENT

***2640. Mulla Abdullabhai:** Will the Minister of **Home Affairs** be pleased to state.

(a) the number of *ex*-employees of the Civil Supplies Departments who have been absorbed in the Central Government offices since October, 1954; and

(b) the number who are on the waiting list?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) 1,198.

(b) 2,455.

श्री भक्त दर्शन : जो बाकी बचे हुए कर्मचारी हैं, क्या उनको सरकारी नौकरियों पर लगाने के बारे में कोई खास कदम उठाया जा रहा है, और कब तक आशा की जाती ह कि उन सबको नौकरी पर लगा दिया जायेगा ?

श्री बातार : सरकार ने सामान्य कदम उठाया है । रजिस्ट्रेशन होने के बाद उनको क्रमिक नियुक्ति मिल रही है ।

TECHNICAL EDUCATION

***2641. Shri Radha Raman :** Will the Minister of **Natural Resources and Scientific Research** be pleased to state :

(a) whether Government have received the recommendations of the Soviet experts regarding Technical Education in India ;

(b) if so, the main features thereof ; and

(c) the action taken so far with regard to the recommendations ?

The Minister of Natural Resources (Shri K. D. Malaviya) : (a) The Soviet experts who visited India during December 1955 to February 1956 have made recommendations regarding the training of Geologists, Geo-physicists and Mining engineers in the Universities and other educational institutions in India.

(b) A copy of the report containing the recommendations is available in the library of the House.

(c) It has been decided to increase the intake of the school to 110 students and the remaining recommendations are under consideration.

Shri Radha Raman : May I know what is the estimated expenditure to be incurred on the implementation of those recommendations which have been accepted by the Government ?

Shri K. D. Malaviya : The recommendations are still under consideration, except that we have increased the number from 55 to 110. The other recommendations have not yet been finally decided upon. We can have a financial assessment of the entire scheme only when the entire scheme is approved finally.

Shri Radha Raman : May I know if these recommendations are being sent to the different organisations concerned with the technical education in this country and their reactions to the recommendations are being invited ?

Shri K. D. Malaviya : Yes, Sir ; there is complete co-ordination in this respect. We are doing it.

Shri D. C. Sharma : May I know if the Ministry has formed any estimate of the number of geologists and geophysicists that will be required during the Second Five Year Plan and, if so, may I know how the Ministry is going to have the required number of men ?

Shri K. D. Malaviya : We have made an estimate of our requirements, so far as geologists, geo-physicists and mining engineers are concerned in the various development schemes and we are basing our expansion of the Indian School of Mines, the Kharagpur Institute and other universities on this requirement.

Shri Radha Raman : May I know whether these recommendations, which these experts have submitted to the Government of India, are being scrutinised by any of the American experts as well ?

Shri K. D. Malaviya : No, Sir.

VISHWA BHARATI INSURANCE COMPANY

***2642. Shrimati Jayashri :** Will the Minister of **Finance** be pleased to state :

(a) whether it is a fact that 16 employees of the Vishwa Bharati Insurance Company Ltd., Bombay, were served notices of retrenchment on the 30th April, 1956, to take effect from the 1st June, 1956 ; and

(b) whether it is also a fact that the Nationalisation of Life Insurance Business is stated to be one of the reasons for effecting such retrenchment ?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) and (b). Yes.

Shrimati Jayashri: May I know whether the position of the company has suffered in any way to warrant any such action?

Shri B. R. Bhagat: The position is that this particular company subsidised the general side of the business from the life insurance funds and as a result of the life insurance side being taken over by the Government, they could not—as they stated to the Conciliator—expand their business or carry on their general side. Therefore, they retrenched the employees.

Shri B. S. Murthy: What is the number of years of service put in by these persons? May I also know whether before trying to discharge them any attempts were made to give them alternative employment?

Shri B. R. Bhagat: They are not employees of the nationalised sector. They belong to the general side of the company. As for the length of service, I do not have any information with me.

Shri A. K. Gopalan: May I know whether they all belong to one category; if not, what are the different categories like clerks, peons and so on?

Shri B. R. Bhagat: Some of them belonged to the fire department, one to the motor department, two to the accounts department, three typists, one despatcher and two peons.

Shrimati Jayashri: May I know whether the General Secretary of the Insurance Employees Federation, Bombay had addressed a letter dated the 20th April to the Conciliation Officer, Bombay, requesting him to intervene immediately in the matter with a view to avoid retrenchment of the staff?

Shri B. R. Bhagat: I am not aware of any such letter. But it is a fact that the application or the letter addressed by the company to the Conciliation Officer mentions this point that due to the physical separation of the general and the life sides of business of the company they have to retrench the employees. I may state that this is not a correct position, because under the Insurance Act the two funds—life fund and the general fund—are separate and it is illegal for any company to subsidise the general side of the work of the company from the life side and to the extent they do it they are themselves responsible. So far the Act is concerned, they need not subsidise the general side. If they had not subsidized the general side from the life side this case would not have arisen.

Monuments in Bombay

***2643. Shri M. D. Joshi**: Will the Minister of **Education** be pleased to lay a statement on the Table showing:

(a) the names of the ancient and historical monuments of national importance in Bombay State which are under the care of (i) the Central Government and (ii) the Bombay Government on behalf of the Central Government;

(b) the amount of expenditure incurred by the Central Government for their upkeep during 1951-52 to 1955-56; and

(c) the amount of expenditure incurred by the Bombay Government on the monuments assigned to its care during 1951-52 to 1955-56?

The Deputy Minister of Education (Dr. M. M. Das): (a) to (c). The information is being collected and will be laid on the Table of the House.

Dholpur Succession

***2644. Dr. Natabar Pandey**: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the report of the Dholpur Succession Enquiry Committee has been received;

(b) if not, when it is likely to be received;

(c) if the answer to part (a) be in the affirmative, the recommendations made by the Committee; and

(d) when a decision is likely to be arrived at by Government ?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) No.

(b) The report is likely to be received in June 1956.

(c) and (d). Do not arise.

Shri Kasliwal: May I know whether Government propose regularly to follow this procedure of appointing an enquiry committee in the case of every disputed succession ?

Shri Datar: Whenever Government considers it necessary, it will follow this particular procedure.

LEAVE RULES

***2645. Shri T. B. Vittal Rao:** Will the Minister of **Finance** be pleased to refer to the reply given to Starred Question No. 910 on the 23rd March, 1956 and state :

(a) whether Government have since arrived at a final decision regarding the removal of disparities in the leave rules of various classes of Government employees ; and

(b) if not, when it is likely to be finalised ?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) No, Sir.

(b) As I informed the hon. Member on the previous occasion, the matter is of some complexity and some further time is likely to elapse before a final decision is reached.

Shri T. B. Vittal Rao: The whole question of liberalisation of leave rules in favour of Class IV employees has been under consideration for a pretty long time, and it was under active consideration for the last few years. May I know when this protracted consideration will reach the stage of finality ?

Shri B. R. Bhagat: Although denying that it has been under active consideration for such a long period, I concede that there has been some delay in coming to a final decision. I can assure the hon. Member and the House that very soon a decision will be taken, and at present this matter is under very active consideration in the Home and Finance Ministries.

Shri T. B. Vittal Rao: May I know whether the financial implications of the proposal now under consideration have been worked out and, if so, what is the amount involved ?

Shri B. R. Bhagat: The financial implication, so far as the present position is concerned, is to the tune of Rs. 1,35,00,000.

Shri T. B. Vittal Rao: May I know whether there is not a feeling among the employees that whenever such matters are referred to the Finance Ministry an unduly long time is taken for coming to a decision and may I also know whether any steps are being taken to remove this feeling ?

Shri B. R. Bhagat: I repudiate this insinuation. As I said, this matter is of a very complex nature involving a number of considerations. That has resulted in the delay. But, as I said, a decision will be taken very soon.

OIL NEAR CHHAD BET

***2646. Shri Bogawat:** Will the Minister of **Natural Resources an Scientific Research** be pleased to state whether it is proposed to explore oil near the Chhad Bet ?

The Minister of Natural Resources (Shri K. D. Malaviya): The area has not been specifically studied and it is probable that it is within areas considered promising for oil exploration in the near future.

Shri Bogawat : Is it a fact that the Pakistan Government have tried to explore oil near Chhad Bet and found out oil there ?

Shri K. D. Malaviya : I have received some reports that quite north of the Chhad Bet area some efforts are being made to search for oil.

COPPER MINING

*2647. **Shri H. N. Mukerjee:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) the extent of copper mining operation and production in Singhbhum area; and

(b) the share of foreign interest, in it?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) The copper mines worked in the Singhbhum area are Mosabani, Badia and Surda. Production of the ore during the last three years is as given below:—

1953 . . .	2, 38, 010 tons
1954 . . .	3, 42, 750 tons
1955 .	3,95,419 tons (provisional)

(b) The Company is a Public Limited Company incorporated in the U.K. with its Registered office at 49 Moorgate, London. Information regarding the extent of shares of the Company held by foreigners as against Indians is being collected.

Shri H. N. Mukerjee: In view of the latest declaration of Government's industrial policy which puts copper as an item of production which private enterprise will be allowed to develope, do we understand that the idea of taking over the foreign interests in an important commodity like copper has been put in cold storage?

Shri K. D. Malaviya: No Sir. The latest directive with regard to the industrial policy resolution indicates that so far as the existing copper mines are concerned they will remain where they are. But the future copper workings will not be given over to private sector.

GOVERNMENT VEHICLES

*2650. **Shri Gidwani:** Will the Minister of **Home Affairs** be pleased to refer to the reply given to Unstarred Question No. 1745 on the 3rd May, 1956 wherein Government disclosed the names of Officers and the amount due from them, on account of Petrol consumption of Government vehicles, used by the Gazetted Officers of Delhi Police from 1948 to 1952 and stated that the Government have not so far recovered the money because certain representations from the Officers concerned were under the consideration of Government and state:

(a) the nature of these representations; and

(b) whether Government have considered the same?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) In their representations the officers concerned have stated that:—

(1) prior to the coming into force of the Delhi Staff Car Rules *i.e.* 11th November 1952, there were no clear orders on the admissibility of the conveyance allowance along with the use of Government vehicles, and the Delhi Staff Car Rules cannot be made operative retrospectively.

(2) the nature of duties, the conditions under which the Government vehicles were used by the officers, and the fact that Delhi is a city of long distances, should also be taken into consideration before taking a decision for the recovery of the amounts due from them.

(b) The representations are being examined by the State Government.

Shri Gidwani: Who are the officers who have submitted representations and what is the amount standing against each of them?

Shri Datar: There are in all eight officers, and the amount varies. The lowest is Rs. 257 and the highest is Rs. 4,900.

Shri Gidwani: When will the Government come to a decision on this matter?

Shri Datar: In the course of a month or so.

FOREIGN TOURS OF MINISTERS

***2651. Shri Kamath:** Will the Minister of **Home Affairs** be pleased to state :

(a) the number of Ministers who will be touring outside India during the ensuing Parliamentary recess ;

(b) the portfolios they hold ; and

(c) the purpose for or the mission on which each of them will be going abroad ?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) to (c). A statement is laid on the Table of the House. [*See* Appendix XV, annexure No. 33.]

Shri Kamath: From the statement laid on the Table, I find that only the permanent Health Minister, the *pro tem*—the temporary Health Minister as also the Prime Minister and the Deputy Minister of External Affairs will be visiting foreign countries. Is this list final and will the Minister let the House know whether any other colleagues of his are not planning any tours abroad during the Indian summer ?

Shri Datar: So far as the enquiries were made after the question was received from the hon. Member, this is the final list.

Shri Kamath: What are the rules and regulations governing the grant of allowances, travelling and other, to Ministers when they are abroad ?

Shri Datar: We have got rules of which possibly the House is aware.

Shri Kamath: I am not aware. Will he lay a statement on the Table of the House ?

Mr. Speaker: I will ask him to place it in the library. All such rules are placed in the library.

Shri H. N. Mukerjee: Could we have the total number of Ministers, Deputy Ministers, Parliamentary Secretaries and their entourages who will be going out during the coming recess, because I understand that apart from Ministers some members of Government are also going.

Shri Datar: It is likely that some officials will be accompanying the Ministers.

NATIONAL LABORATORIES

***2652. Shri R. P. Garg:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state :

(a) the direct contribution made by the National Laboratories towards the implementation of the First Five Year Plan ;

(b) whether any effective agency exists for close co-ordination between the Second Five Year Plan and Scientific Research ; and

(c) if so, concrete projects prepared for these laboratories for the success of the Second Five Year Plan ?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) to (c). A statement giving the required information is laid on the Table of the House. [*See* Appendix XV, annexure No. 34]

Shri R. P. Garg: In view of the steadily growing importance of applied science for the speedy economic development of the country, would Government like to direct the national laboratories to devote more attention to applied sciences than to fundamental sciences ?

Shri K. D. Malaviya: The national laboratories have already elaborately planned their programme which includes lot of work on the applied side also. If the hon. Member just looks into the statement he will find that there are many important conclusions arrived at in the laboratories which have been handed over to the National Research Development Corporation for further examination.

Shri R. P. Garg: What is the percentage of expenditure on applied science as compared to that on fundamental research ?

Shri K. D. Malaviya: I am afraid such a division of expenditure cannot be clearly made, because the whole work is an integrated one in a laboratory.

Shri Kasliwal: Prof. M. S. Thacker, who is one of the directors of one of the biggest national laboratories has made some statement to the effect that it is proposed to establish pilot projects in all the national laboratories so that they may be useful for furthering the implementation of the Five Year Plan. May I know how far this statement is true?

Shri K. D. Malaviya: It is a fact that pilot project plans are contemplated in those national laboratories where they will be needed. For instance, if there are worth-while experiments concluded in the laboratories and if they require further pursuance, the pilot project schemes will be taken up in those laboratories, but it is not that in every national laboratory such schemes will be taken up.

SHORT NOTICE QUESTION AND ANSWER

FAMINE IN TAMENGLONG

S. N. Q. No. 23. Shri Rishang Keishing: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of persons who died due to starvation in Tamenglong in Manipur recently;

(b) whether Government have made a survey of the famine conditions in this area;

(c) if so, the condition prevailing there;

(d) whether the area has been declared as famine affected area;

(e) the amount Government have spent for gratuitous relief work in this area; and

(f) the relief measures and works so far started by Government in the area?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) No death by starvation has been reported from the Tamenglong Sub-Division either by the Sub-Divisional Officer or the villagers;

(b) The Sub-Divisional Officer and one of the Advisers have surveyed the conditions in this Sub-Division. There is no famine in this area;

(c) The reports indicate that there is some scarcity in about 40 villages. To meet the prevailing conditions adequate supplies of rice and paddy have been made and paddy is being sold through Government retail shops at a subsidised rate of Rs. 5 per maund which is lower than the market price. The off-take from the grain shops has however been very small;

(d) No;

(e) The need for gratuitous relief has not arisen so far but for the help of the villagers paddy is being sold at a sufficiently low rate and three retail shops one at Tamenglong headquarters and one each at Tama and Khoupum in the northern and southern area of the Sub-Division have been started. Stocks at Tamenglong have been further increased recently by air dropping more than 500 maunds of paddy with the help of I.A.F.;

(f) There is ample provision of work on the existing or proposed construction works and by porterage. The expenditure on Imphal-Tamenglong road last year was estimated at Rs. 11,31,000 and this year more than Rs. 20 lakhs are to be spent. Similarly expenditure in the Bishenpur-Cachar road was estimated to be about Rs. 50,000 last year and the provision this year amounts to Rs. 3 lakhs. Rs. 50,000 are provided for village path, irrigation works etc. The local authorities are fully aware of the situation and if there is any need for gratuitous relief or other measures they will do the needful.

Shri Rishang Keishing: In view of the fact that we have received information from the people of that area that there have been deaths due to starvation in the Tamenglong area, I would like to know whether the Government has enquired about this matter from there, as the report of the State Government is contradictory to that of the people of that area.

Shri Datar: Government has made full enquiries. If the hon. Member has still some information, that would be passed on to the Manipur authorities.

Shri Rishang Keishing: May I know the name of the officer who has been deputed to enquire.....

Mr. Speaker: Is the hon. Member in a position to say such and such a man died in such and such a place? There is a general allegation that there is a feeling that so many people died. The other side has made enquiries. How many questions am I to allow?

Shri Rishang Keishing: As you suggested last time, I have sent the necessary papers and information to the hon. Minister.

Mr. Speaker: Ask him whether such and such a man did not die at such and such a place. Did I not bring to your notice this fact? Have you made enquiries?

Shri Rishang Keishing: Is it not a fact that 19 persons died due to starvation in Phakbanglong, Kaikao and 4 other villages?

Mr. Speaker: The same thing. He says, no.

Shri Rishang Keishing: The report is there. I would like to know whether the Minister has enquired into this matter as the necessary papers have been sent by me to them a few days ago.

Shri Datar: It is absolutely incorrect to say that any person has died of starvation.

Shri Rishang Keishing: Will the Government be prepared to lay on the Table of the House the report of the officer who went there?

Mr. Speaker: No. no; I am not going to allow this.

Shri N. B. Chowdhury: In view of the fact that the hon. Minister stated earlier that about 50 per cent of the wages of persons who were engaged in construction works had not been paid, may I know what is the reason why, when scarcity relief works are going on in that area in view of famine conditions, there was so much delay in the payment of the wages to those engaged in road construction and other works?

Shri Datar: May I point out to the hon. Member that so far as actual payment was concerned, payment was to be made after survey and scrutiny. That is being done.

Shri S. C. Deb: May I know whether the Government has issued instructions to give gratuitous relief to the people if the conditions worsen?

Shri Datar: That is according to the rules. Whenever the conditions are there, whenever there is famine in the sense that there is complete failure of crops, immediately, gratuitous relief is started.

Shri Raghavaiah: May I know what exactly is the amount of wages that are paid to the workers working in the road works?

Mr. Speaker: Per individual?

Shri Raghavaiah: Yes.

Shri Datar: I cannot give the scales of wages.

Shri Nambiar: May I know whether there was any death due to serious malnutrition in this period there?

Shri Datar: I am not aware of any.

Shri Sarangadhar Das: May I know if, in view of the fact that relief work is carried on for feeding the people who are suffering from scarcity, if the works have to be scrutinised after some time, may I know if any advance payment is made on account?

Shri Datar: It is likely that advance payment must have been made if there is delay.

Shri Raghavaiah: In view of the answer given by the hon. Minister that the off-take of foodgrains from the shops was very small, may I know

whether it is due to the fact that the wages are not paid or the wages that are given to the workers in these road works are at starvation level?

Shri Datar: I cannot accept the implications of this question.

WRITTEN ANSWERS TO QUESTIONS

Research Schemes

***2621. Shri Krishnacharya Joshi:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state the main research schemes undertaken by the various universities and research institutes during 1955 on the basis of the grants-in-aid given by Council of Scientific and Industrial Research?

The Minister of Natural Resources (Shri K. D. Malaviya): A statement showing the research schemes undertaken by the universities and research institutes during 1955-56 on the basis of grants-in-aid given by the Council of Scientific and Industrial Research is laid on the Table of the House. [*See* Appendix XV, annexure No. 35.]

भूतत्वीय सर्वेक्षण विभाग

***२६२२. श्री के० सी० सोधिया :** **क्या प्राकृतिक संसाधन और वैज्ञानिक गवेषणा** मंत्री निम्न आशय का एक विवरण सभा पटल पर रखने की कृपा करेंगे कि :

(क) भूतत्वीय विभाग में १९५४-५५ की तुलना में १९५५-५६ में कितने अतिरिक्त पदाधिकारियों की नियुक्ति की गई तथा उनके वेतन की दर क्या है; और

(ख) कर्मचारियों की संख्या बढ़ जाने के परिणाम स्वरूप विभिन्न राज्यों में क्या अतिरिक्त कार्यक्रम कार्यान्वित किये जा रहे हैं ?

प्राकृतिक संसाधन मंत्री (श्री के० डी० मालवीय) : (क) तथा (ख) आवश्यक जानकारियों से युक्त एक विवरण पत्र सभा पटल पर प्रस्तुत किया जाता है [देखिये परिशिष्ट १५, अनुबन्ध सं० ३६] ।

Home Ministry

***2623. { Thakur Jugal Kishore Sinha : / Shri Asthana :**

Will the Minister of **Home Affairs** be pleased to state the number of temporary posts in the Home Ministry which have since been converted into permanent ones after the instructions issued by the Finance Ministry?

The Minister in the Ministry of Home Affairs (Shri Datar): No temporary post in the Ministry of Home Affairs has been converted into a permanent one after the issue of the instructions by the Ministry of Finance in the matter but proposals in this regard have been sent to that Ministry.

Technical Education in Travancore-Cochin

***2635. Shri Punnoose:** Will the Minister of **Education** be pleased to state :

(a) whether it is a fact that the Government of Travancore-Cochin State have appointed an Enquiry Committee to report on the progress of Technical Education in the State ;

(b) if so, whether a copy of the report will be laid on the Table ; and

(c) if the report has not been received when Government expect to receive it ?

The Deputy Minister of Education (Dr. M. M. Das): (a) to (c). The required information is being collected and will be placed on the Table of the House when received.

Tourism

***2641-A. Dr. J. N. Parekh:** Will the Minister of **Education** be pleased to state whether there is any scheme to build youth hostels or similar institutions for development of tourism within the country?

The Deputy Minister of Education (Dr. M. M. Das): Yes Sir.

सारनाथ में निर्माण कार्य

*२६४५. **श्री आर० एन० सिंह** : क्या **शिक्षा** मंत्री यह बताने की कृपा करेंगे कि :

(क) बुद्ध जयन्ती के सम्बन्ध में जो धनराशि नियत की गई थी, उस राशि से सारनाथ (बनारस) में किस प्रकार के निर्माण कार्य किये गये हैं ;

(ख) इस समय यह निर्माण कार्य कौन सा विभाग कर रहा है; और

(ग) क्या यह सच है कि सारनाथ में जो जलाशय बनाया गया था, उसमें छेद हो गया है, नहरों का प्लास्टर टूट गया है, पुल बेकार हो गया है और ईंटें भी उखड़ती जा रही हैं ?

शिक्षा उपमंत्री (डा० एम० एम० दास) : (क) तथा (ख). एक विवरण सभा पटलपर रख दिया गया है [देखिये परिशिष्ट १५, अनुबन्ध सं० ३७]

(ग) इस विषय में भारत सरकार के पास कोई जानकारी नही है ।

राज्यों को ऋण

*२६५३. **श्री के० सी० सोधिया** : क्या **वित्त** मंत्री निम्न आशय का एक विवरण सभा पटल पर रखने की कृपा करेंगे :

(क). १९५६-५७ में दिये जाने वाले ऋणों को सम्मिलित करते हुये विभिन्न राज्य सरकारों को केन्द्र द्वारा अब तक कुल कितनी रकम ऋणों के रूप में दी गई है;

(ख) इसमें से कुल कितनी रकम ब्याज-मुक्त है और कितनी रकम किश्तों में दी जायेगी;

(ग) क्या इस ऋण के किसी भाग का अब तक भुगतान किया गया है; और

(घ) यदि हां, तो वह रकम कितनी है और वह किन-किन वर्षों में दी गई ?

वित्त उपमंत्री (श्री बी० आर० भक्त) : (क), (ग) तथा (घ). बहुत अधिक परिश्रम और समय खर्च किये बिना यह पता लगाना सम्भव नहीं है कि राज्यों को केन्द्र द्वारा समय समय पर कुल कितनी रकम ऋणों के रूप में दी गई है । १९५६-५७ के अन्त में उन्हें अनुमानत: कुल १०५० करोड़ रुपये की रकम अदा करनी थी ।

(ख) इनमें से अधिकांश ऋण किस्तों में चुकाये जाने को हैं । १९५५-५६ के अन्त में जो ब्याज-मुक्त ऋण चुकाये जाने को शेष थे, उनके बारे में जानकारी प्राप्त की जा रही है और यथा समय सदन की मेज पर रख दी जायगी ।

Multi-purpose Projects in Tribal and Scheduled Areas

*2654. **Shri Sanganna** : Will the Minister of **Home Affairs** be pleased to state :

(a) whether Government have received any recommendation for organising special multi-purpose projects in tribal and scheduled areas from the Conference of All-India Development Commissioners held in Naini Tal (U. P.) in the first week of May, 1956 ; and

(b) if so, the reaction of Government to it ?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) The proceedings of the Development Commissioners' Conference have not yet been received from the Community Projects Administration. But the Conference drew up a pattern for the multi-purpose pilot projects in the tribal areas to be worked out by the Home Ministry during the 2nd Plan period in collaboration with the C.P.A.

(b) The pattern drawn up by the Development Commissioners' Conference for these projects is under consideration.

बाकू (सोवियत रूस) में हिन्दू मन्दिर

*२६६५. **श्री रघुनाथ सिंह** : क्या **शिक्षा** मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि बाकू क्षेत्र में हिन्दू मन्दिरों के मिलने की दृष्टि में सरकार एक पुरातत्व शिष्टमंडल रूस को भेजना चाहती है ?

शिक्षा उपमंत्री (डा० एम० एम० दास) : जी, नहीं ।

DEPOSITS OF LOCAL BODIES

*2656. { **Thakur Jugal Kishore Sinha :** **Shri Deogam :**

Will the Minister of **Finance** be pleased to state whether revised instructions have been issued to the States for using the State Co-operative Banks or other Co-operative Banks for the deposit of funds of local bodies and quasi-Government institutions as recommended by the Rural Credit Survey Committee ?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha) : The question of liberalising the existing procedure to enable investment of funds of local bodies and quasi-Government institutions in State-partnered Co-operative banks, as recommended by the Rural Credit Survey Committee, is still under consideration.

INDIAN ADULT EDUCATION ASSOCIATION

*2657. **Shri Madiah Gowda :** Will the Minister of **Education** be pleased to state :

(a) in what way the co-operation of the Indian Adult Education Association was enlisted by Government in the field of social education ; and

(b) how it was associated in the various Seminars and Conferences convened by Government ?

The Deputy Minister of Education (Dr. M. M. Das) : (a) The co-operation of the Indian Audit Education Association has not so far been enlisted for any specific project in the field of Social Education. The Ministry of Education has, however, been given grants to this association since 1949-50 to develop its activities in the field of Social Education.

(b) Does not arise.

INSURANCE POLICIES

*2658. **Shri H. N. Mukerjee :** Will the Minister of **Finance** be pleased to state :

(a) whether his attention has been drawn towards cases where the intended transfer to India of insurance policies contracted in Pakistan by immigrants therefrom has been held up on account of the recent nationalisation of life insurance in this country ; and

(b) if so, the steps that are being taken to safeguard the interests of such immigrants ?

The Deputy Minister of Finance (Shri B. R. Bhagat) : (a) No such complaint has been received by Government.

(b) Does not arise.

GRANTS TO MANIPUR

*2658-A. **Shri Rishang Keishing :** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that there has been a lapse of about Rs. 11 lakhs out of the total grant of Rs. 14 lakhs sanctioned for the welfare of the tribal people of Manipur for the year 1955-56 ;

(b) if so, the grounds on which the amount stated above has lapsed ; and

(c) the action Government propose to take to help and improve the lot of the backward tribal people of Manipur ?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) No Sir. Out of an amount of Rs. 14·62 lakhs given to the Government of Manipur for the welfare of Tribal people the State Government completed works costing Rs. 7 lakhs.

(b) The amount could not be utilised in full due to non-availability of technical personnel and difficulty in obtaining iron and cement.

(c) During the Second Five Year Plan period it is proposed to implement welfare schemes under the heads Education, Agriculture, Communications, Public Health, Medical, Veterinary, Housing, Cottage Industries and Irrigation on a much bigger scale. A Technical Training Institute will be opened this year at Imphal to impart training to tribal students in Civil,

Electrical and Mechanical Engineering, so that there may remain no shrotage of technical personnel in Tribal areas.

ANDAMAN AND NICOBAR ISLANDS

***2658-B. Shri R. P. Garg :** Will the Minister of **Home Affairs** be pleased to state :

(a) the means of communication at present available between the Andaman and Nicobar Islands ;

(b) wheher any new services have been added since the influx of displaced persons from East Bengal ;

(c) whether any efficient and regular inter-island service has been provided during recent times for the development of these Islands; and

(d) if so, the details thereof ?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) to (d). There have been no regular means of communication between the Andaman & Nicobar Islands except for once-in-two-months-service of S. S. Maharaja on her trips to Madras. A second hand vessel has recently been purchased from Messrs. Scindia Steam Navigation Co. Ltd. She has already reached Port Bihar and will shortly be put on a regular inter-island service.

जनगणना सम्बन्धी व्यय

***२६५९. श्री के० सी० सोधिया :** क्या **गृह-कार्य** मंत्री यह बताने की कृपा करेंगे कि चालू साल के लिये इस मंत्रालय के आय व्ययक में जनगणना के सम्बन्ध में 'अन्य भार' शीर्षक के अन्तर्गत १५ लाख रुपये का जो उपबन्ध किया गया है, उसको किन-किन मदों पर खर्च करने का विचार है ?

गृह-कार्य मंत्रालय में मंत्री (श्री दातार) : इम्प्रूवमेंट आफ पापूलेशन डेटा (जनसंख्या सम्बन्धी आंकड़ों के सुधार) के लिये बनाई गई योजना को कार्यान्वित करने के लिये जो अनुमानित ३० लाख रुपये खर्च होंगे, उसमें केन्द्रीय सरकार द्वारा दिये जाने वाले अपने हिस्से के लिये, मांग संख्या ५५ सैन्सस (जनगणना) के अन्तर्गत १५ लाख रुपये की व्यवस्था की गई है।

COLOURATION OF VANASPATI

***2660. Shri Kamath :** Will the Minister of **Natural Resources and Scientific Research** be pleased to refer to the reply given to Starred Question No. 151 on the 22nd February 1956 and state what further progress has been made in regard to the production of a suitable dye for colouration of vanaspati ?

The Minister of Natural Resources (Shri K. D. Malaviya) : None. Investigations are, however, proceeding.

SMUGGLED DIAMONDS

***2661. Shri Gidwani :** Will the Minister of **Finance** be pleased to state :

(a) whether it is a fact that recently there was a surprise raid on the office of the Johuri Mandal, an Association of Diamond Dealers in Central Calcutta, by the Customs Officials ;

(b) if so, whether they recovered loose diamonds and precious stones which were believed to have been smuggled ;

(c) if so, the value of these diamonds and precious stones ; and

(d) whether any action has been taken against those who smuggled these articles or from whom they were recovered ?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha) :

(a) Yes, Sir.

(b) Yes, Sir.

(c) The value of such loose diamonds and precious stones is believed to be about Rs. 5 lakhs. The valuation, however, is not yet complete.

(d) The case is still under investigation.

WELFARE WORK FOR BACKWARD CLASSES AND SCHEDULED TRIBES

***2662. Shri Sanganna :** Will the Minister of **Home Affairs** be pleased to state :

(a) whether Government propose to assist any programme of research and

welfare work for the children of backward communities and Scheduled Tribes during 1956-57;

(b) if so, the extent of their assistance; and

(c) whether any organisations have been asked to draw up any such schemes?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) We have called for proposals from the State Governments for grants-in-aid during 1956-57. If such a scheme is received from any State Government, it will be given due consideration.

(b) It will depend on the nature of the scheme.

(c) No, Sir. But if any non-official organisation of an All-India character submits any such scheme, it will be duly considered.

REORGANISATION UNIT

***2663. Shri Madiah Gowda:** Will the Minister of **Finance** be pleased to state:

(a) the reduction in the number of officers of different cadres, recommended by the Re-organisation Unit in each department so far scrutinised; and

(b) the amount of savings involved by such reduction?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) A statement indicating the net reductions in the number of posts, recommended by the Special Re-organisation Unit, in the various Ministries and offices under them which have been so far reviewed, is laid on the Table of the House. [*See* Appendix XV, annexure No. 38.]

(b) The amount of savings involved by the reductions recommended, including sundry other economies, is Rs. 135·74 lakhs per annum.

PURCHASE OF JEEPS

***2663-A. Shri Kamath:** Will the Minister of **Defence** be pleased to refer to the reply given to Starred Question No. 808 on the 20th March, 1956 and state;

(a) whether the suit has been filed against the British Firm in connection with the contract for the purchase of jeeps; and

(b) the stage reached?

The Minister of Defence (Dr. Katju): (a) and (b). Yes. Writs have been taken out and served on three of the four defendants. Action to serve the Writ on the fourth defendant is in hand.

ARMY EDUCATION CORPS

***2508. Shri Bansal:** Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that applications have recently been invited for the posts of officers in the Army Education Corps; and

(b) if so, whether N. C. Os. and J. C. Os. of the Army Education Corps are also eligible for these posts?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes, Sir; applications have been invited from Permanent Regular Commissioned Officers serving in Arms/Corps, other than the Army Educational Corps, who want to volunteer for service in the Army Educational Corps.

(b) No; because posts of officers in the Army Education Corps are filled only by transfer of officers from other Arms/Services to this Corps.

SOCIAL WELFARE IN U.P.

2434. Shri Krishna Chandra: Will the Minister of **Education** be pleased to state the detailed scheme under the following heads formulated for Women Welfare in U. P. by the Social Welfare Board for the year 1956-57:—

(i) the number of Training Institutes to be run for the training of Gram Sevikas;

(ii) the number of teachers along with the scales of pay to be employed at these Training Institutes;

(iii) the number of Welfare Extension projects to be run in the villages along with the amount of money allocated for each of them ;

(iv) the scale of pay and allowances given at these Centres to the Gram Sevikas ; and

(v) the honorarium and allowances allowed to District conveners ?

The Deputy Minister of Education (Dr. M. M. Das): (i) One training centre is proposed to be established by the Kasturba Gandhi National Memorial Trust in addition to the one already run at Banaras.

(ii) The information is being collected and will be laid on the table of the Sabha as soon as possible.

(iii) One project per district. The cost of each Project is estimated at approximately Rs. 29,000 per year (recurring) and Rs. 20,000 (non-recurring).

(iv) Untrained—Rs. 60 to Rs. 90 (inclusive of allowances).

Trained—Rs. 90 to Rs. 120 (inclusive of allowances).

(v) Nil.

ZAWAR MINES

2435. Shri Balwant Sinha Mehta: Will the Minister of **Natural Resources and Scientific Research** be pleased to state :

(a) whether it is a fact that lead and silver both are found along with zinc at Zawar Mines ;

(b) if so, the percentage and annual production of each of them ; and

(c) the value so far realised from the sale of lead, zinc and silver respectively ?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) to (c). A statement giving the required information is laid on the Table of the House. [*See* Appendix XV, annexure No. 39.]

CENTRAL SECRETARIAT STENOGRAPHERS' SERVICE

2436. Shri Kamath: Will the Minister of **Home Affairs** be pleased to state :

(a) the total number of stenographers given protection under Clause 2 (c) of the Initial Constitution of the Central Secretariat Stonegraphs' Service ;

(b) the total number of displaced persons to whom this concession has been extended ;

(c) whether any cases have been considered barred ; and

(d) if so, the reasons therefor ?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) 40 were given exemption under para 3(c) of Ministry of Home Affairs Office Memorandum No. 27/6/45-Ests (S), dated 31st December 1947.

(b) One.

(c) and (d). The Ministries were asked to send up their recommendations for exemption not later than the 15th March, 1951. Since the exemption was non-recurring in nature, it could not be kept open indefinitely.

Sarvaswa Dan VILLAGES

2437. Shri Sanganna: Will the Minister of **Home Affairs** be pleased to state :

(a) whether any grants have been made for the development of the Sarvaswa Dan villages under the Bhoodan Movement in the district of Koraput of Orissa ;

(b) if so, to what extent ;

(c) the agency through which these grants are spent ;

(d) whether any audit checks have been imposed upon the expenditure ; and

(e) whether these grants are recurring or otherwise ?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Yes, Sir.

(b) Rs. 2 Lakhs.

(c) Akhil Bharata Sarva Seva Sangha.

(d) Yes.

(e) Non-recurring.

SUB-MARINE FLOTILLA

2438. { **Sardar Iqbal Singh:** **Sardar Akarpuri:**

Will the Minister of **Defence** be pleased to state:

(a) how long it will take to train the personnel required to man a small sub-marine Flotilla; and

(b) the expenditure likely to be incurred thereon?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). It takes about four years to train an officer to command a sub-marine and about two years to train the crew. The cost of training of personnel required to man a medium-sized sub-marine is estimated at about Rs. 2·8 lakhs.

SUPREME COURT JUDGES

2439. Shri Kamath: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of judges of the Supreme Court recruited from the various High Courts, from the I.C.S. and directly from the Bar (figures for each category separately), since 26th January, 1950; and

(b) the basis on which the seniority of a judge of the Supreme Court is determined?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Nine Judges were appointed to the Supreme Court after the 26th January, 1950, of whom six (including one who was a member of the Indian Civil Service) were from the various High Courts, and three were retired Judges of High Courts. No Judge has been appointed directy from the Bar or from the Indian Civil Service.

(b) The seniority of a Supreme Court Judge is determined with reference to the date on which he assumes duty as such.

CANTEEN SERVICES CONTROL BOARD

2440. Shri Gidwani: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that a meeting of the Canteen Services Control Board took place on the 4th May, 1956 at Srinagar;

(b) whether certain announcements were made by the Deputy Minister of Defence regarding concessions granted to the employees of the Canteen Services Department; and

(c) if so, what are those concessions?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). Yes.

(c) The concessions, which apply to the India based staff on their posting to J. & K. are:—

(i) An outfit allowance of Rs. 300 in lieu of free issue of clothing;

(ii) Cash allowance of Rs. 40 per mensem in lieu of free rations; and

(iii) Cash allowance in lieu of fuel during winter months at a rate to be determined by the General Manager, Canteen Stores Department (India) in consultation with the local military authorities.

These concessions take effect from the 1st October, 1955.

OIL IN ASSAM

2441. Dr. Ram Subhag Singh: Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that the negotiations between the Government of India and the Assam Oil Company in respect of exploiting oil in a new area in Assam have not materialized; and

(b) if so, the reasons therefor?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) No Sir. The negotiations are continuing.

(b) Does not arise.

NATIONAL VOLUNTEER FORCE

2442. Shri Sanganna: Will the Minister of **Defence** be pleased to state:

(a) whether training centres for the National Volunteer Force at each Community Project area in Orissa have been opened;

(b) if so, the strength of the force trained at each centre; and

(c) the expenditure incurred so far for each training centre?

The Minister of Defence (Dr. Katju): (a) to (c). During 1955-56, seven Lok Sahayak Sena camps were held in Orissa. Of these three were held in Community Development Blocks, *viz.*, at Nayagarh, Sundergarh and Baragarh. Number of persons trained in these camps was 469, 490 and 497 respectively. The approximate expenditure, exclusive of pay and allowances of the instructional staff and miscellaneous charges, was Rs. 23,830, Rs. 29,300, and Rs. 30,035 respectively.

बेसिक (बुनियादी) स्कूलों के अध्यापक

२४४३. **श्री भक्त दर्शन :** क्या शिक्षा मंत्री ८ मई, १९५६ के तारांकित प्रश्न संख्या २०२१ के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) बेसिक स्कूलों के अध्यापकों के वेतन-मापदण्डों के बढ़ाने के बारे में सरकार ने राज्य सरकारों को सहायता देने की जो योजना बनाई है, उसकी रूपरेखा क्या है; और

(ख) किन किन राज्यों ने इस योजना से लाभ उठाना स्वीकार किया है ?

शिक्षा उपमंत्री (डा० एम० एम० दास) : (क) प्राइमरी तथा बेसिक स्कूल अध्यापकों के वेतन-मापदण्डों को निश्चित करने के लिये राज्य सरकारों से कहा गया है। राज्य सरकारें अपने अपने राज्यों की स्थानीय स्थिति के अनुसार उन पर उचित विचार करेंगी। उनसे यह भी प्रार्थना की गई है कि वे १९५६-५७ तथा उसके पश्चात द्वितीय पंचवर्षीय योजना की आगामी वर्षों में ऊपर के निश्चय किये हुये माप-दण्डों के आधार पर होने वाले अतिरिक्त खर्चे का अनुमान भी लगायें।

सरकार, प्राइमरी अध्यापकों के वेतन माप-दण्डों को बढ़ाने में जो अतिरिक्त खर्च होगा उसकी अन्तिम स्वीकृति पर, राज्य सरकारों को ५० प्रतिशत तक सहायता करने का विचार रखती है। यह सहायता, राज्यों को उचित संसाधनों के बटवारे के प्रश्न के हल होने तक देते रहने का प्रस्ताव किया गया है।

(ख) निम्न लिखित राज्यों ने इस योजना से लाभ उठाना स्वीकार किया है :—

आसाम	मध्य-प्रदेश
बिहार	उत्तर-पूर्वी सीमान्त ऐजेन्सी
बम्बई	उड़ीसा
हैदराबाद	राजस्थान
मद्रास	ट्रावनकोर-कोचीन और
मध्यभारत	विन्ध्य-प्रदेश

SCHOOLS OF SOCIAL WORK

2444. Shri Deogam: Will the Minister of **Education** be pleased to refer to para 20 of Chapter 36 of the First Five Year Plan and state:

(a) the names of schools of Social Work set up in the country since 1953;

(b) the number of social workers trained for rural welfare work during this period;

(c) the number of trainees drawn from rural areas as visualised in the First Five Year Plan; and

(d) the number of such trainees who specialised in "Tribal Welfare"?

The Deputy Minister of Education (Dr. M. M. Das): (a) and (b). The Information is being collected and will be laid on the Table of the Lok Sabha as soon as possible.

CONTRABAND OPIUM

2445. Shri Raghunath Singh: Will the Minister of **Finance** be pleased to state whether it is a fact that contraband opium worth about Rs. 4,000

was seized at Lakhanpur check post, on the 5th May 1956?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): Yes Sir, opium weighing 500 tolas was seized by the Customs staff at Lakhanpur on the 5th May 1956, and it was worth Rs. 2,000.

जलती हुई वस्तु

२४४६. **श्री रघुनाथ सिंह :** क्या **प्राकृतिक संसाधन और वैज्ञानिक गवेषणा** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि गेंद के आकार की और पीले रंग की एक जलती हुई वस्तु ४ मई, १९५६ की रात को १०-३० म० प० पर पश्चिम से पूर्व की ओर जाती हुई दिखाई पड़ी थी;

(ख) क्या वह दिल्ली के ऊपर ठहरी और फिर उत्तर की ओर लुप्त हो गई, फिर दुबारा पश्चिम से आई और फिर पश्चिम में ही लुप्त हो गई; और

(ग) यदि हां, तो उस वस्तु का ब्यौरा क्या है ?

प्राकृतिक संसाधन मंत्री (श्री के० डी० मालवीय) : (क) से (ग). समाचार पत्र के समाचारों के अतिरिक्त सरकार के पास इस विषय पर अन्य कोई जानकारी नहीं है ।

Ink Development Project

2447. Shri R. P. Garg: Will the Minister of **Natural Resources and Scientific Research** be pleased to state :

(a) how the Ink Development Project of the National Physical Laboratory, New Delhi has been working during 1955-56;

(b) the cost of inks produced during 1955; and

(c) the standard attained by the project as compared to inks imported from other countries?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) The Ink-Development Project made considerable progress during 1955-56. During the year it was engaged on production of various oil based inks and on research aimed at further improvement of the quality of the inks produced and at reduction of the production costs.

(b) and (c). I regret I am not in a position to disclose the cost of the inks as it is a confidential matter but may assure the hon. Member that the inks manufactured by the project are comparable in quality to corresponding inks of foreign origin and are cheaper.

Survey of India Employees

2448. Shri Sadhan Gupta: Will the Minister of **Natural Resources and Scientific Research** be pleased to State :

(a) whether penalty of reduction to pay has been imposed on the employees belonging to Class III or IV of the Hathibarkala Litho Office and the Hathibarkala Works Office under the Director of Map Publications, Survey of India; and

(b) if so, the reasons therefor?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) Yes, Sir.

(b) For disobedience of official orders and absence from duty without previous permission.

बनारस

२४४९. **श्री आर० एन० सिंह :** क्या **गृह-कार्य** मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि केन्द्रीय सरकार ने राज्य सरकार के इस सुझाव पर कि 'बनारस' का नाम 'वाराणसी' रख दिया जाय, अपनी स्वीकृति प्रदान की है ?

गृह-कार्य मंत्रालय में मंत्री (श्री दातार): जी हां ।

All-Kerala University

2450. Shri Punnoose: Will the Minister of **Education** be pleased to state :

(a) whether there are any schemes —Central or State—to advise and help the University of Travancore to form an All-Kerala University; and

(b) if so, details of research and scholarship facilities envisaged after the formation of such a University?

The Deputy Minister of Education (Dr. M. M. Das): (a) and (b) Information is being collected and will be laid on the Table of the Lok Sabha.

STUDENTS IN TRAVANCORE-COCHIN

2451. Shri Punnoose: Will the Minister of **Education** be pleased to state:

(a) the total number of students studying at present in colleges in Travancore-Cochin State affiliated to the University of Travancore; and

(b) how many of these receive (i) general education (ii) vocational education and (iii) technical education?

The Deputy Minister of Education (Dr. M. M. Das): (a) Approximately 28,296 on 31st of March, 1955.

(b) (i) General Education—24,454,

(ii) Vocational Education—2,996,

(iii) Technical Education—846.

LEAKAGE OF QUESTION PAPERS OF TRAVANCORE UNIVERSITY

2452. Shri A. K. Gopalan: Will the Minister of **Education** be pleased to state:

(a) whether Government are aware that the Question papers relating to the Intermediate Examination of the Travancore University leaked out this year; and

(b) if so, the action taken by Government to stop such occurrences and to trace out the source of leakage?

The Deputy Minister of Education (Dr. M. M. Das): (a) and (b). Enquiry is being made from the Government of Travancore-Cochin.

HISTORY OF FREEDOM MOVEMENT

2453. Shri Bibhuti Mishra: Will the Minister of **Education** be pleased to state:

(a) whether the material relating to the period from Champaran Districts inhabitants anti-planters movement to Mahatma Gandhi's Champaran Satyagraha has been collected by Government for writing the History of Freedom Movement; and

(b) if not, whether Government contemplate to procure it?

The Deputy Minister of Education (Dr. M. M. Das): (a) and (b). A considerable amount of material relating to the Champaran Struggle has already been collected. The intention is to procure as much material as may be available.

युद्धोत्तर पुनर्निर्माण निधि

२४५४. **श्री भक्त दर्शन :** क्या **प्रतिरक्षा** मंत्री निम्नलिखित आशय का एक विवरण सभा पटल पर रखने की कृपा करेंगे :

(क) भूतपूर्व सैनिक युद्धोत्तर पुनर्निर्माण निधि में से उत्तर प्रदेश को आरम्भ में कुल कितनी धनराशि दी गई थी;

(ख) उसमें से कितनी धनराशि ३१ मार्च, १९५६ तक व्यय हो चुकी थी और उस तारीख को अन्तिम शेष कितना था;

(ग) १९५५-५६ के वित्तीय वर्ष में जो धन व्यय हुआ, उसका विभिन्न मदों पर किस प्रकार वितरण किया गया; और

(घ) १९५६-५७ के लिए प्रस्तावित व्यय की रूपरेखा क्या है ?

प्रतिरक्षा उपमंत्री (सरदार मजीठिया) : (क) उत्तर प्रदेश को आरम्भ में १,४३,३८,६२० रुपये दिये गये थे, जिसमें वह धन भी शामिल है जो बनारस, टेहरी-गढ़वाल तथा रामपुर की भूतपूर्व रियासतों को और गोरखा निधि में दिया गया था।

(ख) इस रकम में से ३१ मार्च १९५६ तक ८९,९९,२३९ रुपये १ आना १ पाई खर्च हो चुका है और दिनांक १-४-५६ को अन्तिम शेष ८४,३८,२०३ रुपये ११ आने ११ पाई था, जिसमें ३०,९८,८२२ रुपये १३ आने की वह धन राशि भी शामिल है जो ३१ मार्च १९५६ तक ब्याज के रूप में प्राप्त हुई थी।

(ग) तथा (घ). सूचना एकत्रित की जा रही है। जितना शीघ्र सम्भव हो सकेगा वह सभा-पटल पर रख दी जायगी।

HIGH COURTS

2455. Shri S. V. Ramaswamy: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the strength of the various High Courts of the Re-organised States has been fixed; and

(b) if so, what will it be in each of the States?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) No.

(b) Does not arise.

INDUSTRIAL MANAGEMENT SERVICE

2456. Shri Gidwani: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that Industrial Management Service is being created for the running of public enterprise;

(b) whether it is a fact that Minister of Home Affairs will not be in charge of the recruitment of this service and personnel will not be selected by the Union Public Service Commission; and

(c) if so, how the recruitment will be made and what will be the qualifications and the terms of services of those who will be selected for the service?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) An industrial Management Pool is proposed to be created for manning a proportion of the higher non-technical posts in the Public industrial undertakings.

(b) Ministry of Home Affairs will be in charge of the Pool to which recruitment will be made by a Special Recruitment Board with which the Union Public Service Commission will be associated.

(c) The details regarding qualifications of recruitment and terms of service are still under consideration.

SCHOLARSHIPS FOR SCHEDULED CASTES ETC.

2457. Shri Ramananda Das: Will the Minister of **Education** be pleased to state:

(a) the number of scholarships sanctioned by the Central Government under various categories to the students of Scheduled Castes, Scheduled Tribes and Other Backward Classes during 1955-56; and

(b) the number of students who were paid the scholarships in the months of November and December, 1955 and January, February, March, and April, 1956?

The Deputy Minister of Education (Dr. M. M. Das): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix XV, annexure No. 40.]

SETTLEMENT OF AGRICULTURISTS

2458. Shri Ramananda Das: Will the Minister of **Home Affairs** be pleased to state:

(a) the total area of land available for settlement of agriculturists in Andaman and Nicobar Islands;

(b) the area actually reclaimed for settlement of agriculturists in the islands;

(c) the area proposed to be reclaimed in the next Five Years;

(d) the number of actual agriculturist families settled up-till the 31st April, 1956;

(e) the number of refugee families from East Pakistan settled on land there upto April, 1956;

(f) the area of reclaimed land lying unsettled with agriculturists; and

(g) the facility provided to agriculturist families for settlement in this Island?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) About 20,000 acres.

(b) 5,450 acres.

(c) 12,000 acres.

(d) 1,041.

(e) 1,258 families, out of which 332 are non-agriculturists.

(f) Nil.

(g) A statement showing the facilities provided to agriculturist families is laid on the Table of the House. [*See* Appendix XV, annexure No. 41]

DISMISSAL OF OFFICERS IN MANIPUR

2459. Shri Rishang Keishing: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of Government servants dismissed or suspended by the Chief Commissioner of Manipur without referring to the Heads of Departments concerned during the period from the 2nd January, 1955 to 30th April, 1956; and

(b) if so, the reasons therefor?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). The required information is being collected and will be laid on the Table of the House when received.

FIRE ENGINE EQUIPMENT FOR MANIPUR

2460. Shri Rishang Keishing: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the Government of Manipur ordered a fire engine equipment in November, 1955 without the knowledge of the D. G. S. of the Government of India;

(b) whether it is a fact that there was no budget provision for the said fire engine equipment;

(c) whether it is a fact that the Government of Manipur have recently arranged to cancel the same order; and

(d) if the answer to parts (a), (b) and (c) above be in the affirmative, the action Government of India contemplate to take against the officer concerned?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) to (d) The information asked for is being collected and will be placed on the Table of the House.

I.C.S. OFFICERS

2461. Shri Raghubir Sahai: Will the Minister of **Home Affairs** be pleased to state:

(a) the distribution of I. C. S. Officers Ministry-wise; and

(b) their length of service?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). A statement showing the number in each Ministry including the attached offices is laid on the Table of the House. [See Appendix XV, annexure No. 42.]

STATE BANK OF INDIA

2462. Shri K. K. Basu:
Th. Jugal Kishore Sinha:
Shri Deogam:

Will the Minister of **Finance** be pleased to state:

(a) the total amount of loan granted by the State Bank of India since its incorporation;

(b) how much of it has been granted for industrial and commercial trading and Agricultural purposes; and

(c) the amount advanced to foreigners or companies dominated or controlled by foreigners?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) and (b). I presume the question is intended to elicit information regarding the fresh limits and/or increases in the existing limits for advances sanctioned by the State Bank of India since its inception on 1-7-1955. If this presumption is correct, it will be a very laborious process to collect the information as it will mean going through each individual account at each office of the State Bank. I am,

however, giving below an analysis of the total advances made in India, outstanding in the books of the State Bank of India as on 31-3-56 :—

	(*Rs. in lakhs*)
Advance to industry	70,54
Advance to Commerce (other than to wholesale trade in agricultural commodities)	32,92
Advances to agriculture (including wholedsale trade in agricultural commodities) such as cotton, jute, Oilseeds, tea, wheat, rice.	14,49
Advance for other purpose	18,63
Total advances made in India on 31-3-56	136 58
Total advances outstanding on 31-3-56 (in India and foreign countries).	141,94

(c) The information is not readily available.

HIGH COURT JUDGES

2463. Shri K. K. Basu : Will the Minister of **Home Affairs** be pleased to state :

(a) the number of retired High Court Judges ;

(b) how many Judges of the High Courts have retired after 26th January 1950 ;

(c) how many of them have got permanent or temporary appointments under the Central Government after their retirements ?

The Minister in the Ministry of Home Affairs (Shri Datar) : (a) According to information available here, there are in all today 51 retired High Court Judges.

(b) Thirty-four.

(c) The information is being collected and will be laid on the Table of the House.

ELECTORAL ROLLS

2464. Shri Kamath : Will the Minister of **Law** be pleased to refer to the statement laid on the Table in reply to Unstarred Question No. 1885 on the 8th May, 1956 and state the reasons for reduction of the electorate in 1955 as compared to 1951-52 in the case of Madhya Pradesh, Madhya Bharat and Bhopal ?

The Minister of Law and Minority Affairs (Shri Biswas) : The information is being collected and will be laid on the Table of the House in due course.

EMERGENCY COMMISSIONED OFFICERS

2465. Shri Kamath : Will the Minister of **Defence** be pleased to refer to the replies given to the supplementaries raised on Starred Question No. 2024 on the 8th May, 1956 and state :

(a) the terms that will apply to each category, separately, of Emergency Commissioned Officers affected by the compulsory retirement scheme ;

(b) whether any representation has been made by such officers for re-employment after retirement ; and

(c) if so, their number ?

The Deputy Minister of Defence (Sardar Majithia) : (a) A statement is laid on the Table of the House. [*See* Appendix XV, annexure No. 43.]

(b) Yes.

(c) Five.

ORDNANCE FACTORIES

2466. Shri A. K. Gopalan : Will the Minister of **Defence** be pleased to state :

(a) the number of workers who are in the scale of pay of Rs. 60-3-90 and above per month in all the Ordnance Factories ;

(b) the number of men in the scale of pay of Rs. 46—75 per month in Ordnance Factories ;

(c) the number of men in service in the age group of 55-60 ; and

(d) the number of men superannuated in each Ordnance Factory from 1953 to 1955, year-wise ?

The Minister of Defence (Dr. Katju) : (a) 4,481.

(b) to (d). The requisite information is being collected and a statement containing the information when collected will be laid on the Table of the House.

DISCOUNTING OF *Hundis*

2467. Shri K. P. Tripathi: Will the Minister of **Finance** be pleased to state :

(a) whether complaints have been received of discriminatory treatment by the Tejpur branch of the State Bank of India with regard to discounting of *hundis* or drafts as between the Indian and European drawers ;

(b) whether the discrimination has been intensified after the complaints ; and

(c) the steps proposed to be taken in this regard ?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) to (c). Enquiries were made in March last with reference to a representation forwarded by the Hon'ble Member alleging that the State Bank of India practiced discrimination as between Indian & European businessmen in the matter of discounting facilities for *hundis* and drafts. The allegations were not substantiated and satisfactory explanations were forthcoming in regard to the specific instances quoted therein. All these were communicated to him in reply to his letter.

Since then a further representation has been received a few days ago through the Hon'ble Member alleging that the Agent of the State Bank's branch at Tezpur refuses to discount any *hundis* drawn by Indian business houses, irrespective of their creditworthiness. Necessary enquiries are being made in the matter. Further action to be taken will depend on the results of the enquiry.

IMPORT OF GOLD COINS FROM TIBET

2468. Shri N. B. Chowdhury: Will the Minister of **Finance** be pleased to state :

(a) whether gold coins are permitted to be imported from Tibet into India ; and

(b) if so, whether the custom duty in respect of such imports has recently been revised ?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) No, Sir.

(b) Does not arise.

SURVEY OF INDIA EMPLOYEES

2469. Shri N. B. Chowdhury: Will the Minister of **Natural Resources and Scientific Research** be pleased to state :

(a) whether it is a fact that the employees working in the Survey of India are not allowed to submit any joint petition regarding their common grievances ; and

(b) if so, the reasons therefor ?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) Yes, Sir.

(b) The rules provide that common grievances of Government servants may be represented through their recognised Associations. Individual Government servants may represent their own case. This rule has been in force for a long time and is in the interest of discipline and good relations between Government and its employee. The employees of the Survey of India cannot be exempted from the operation of this rule.

SURVEY OF INDIA CLASS IV EMPLOYEES

2470. Shri N. B. Chowdhury: Will the Minister of **Natural Resources and Scientific Research** be pleased to state :

(a) whether the usual medical facilities available to the employees of other Departments of the Government of India are available to the Class IV employees of the Survey of India also ;

(b) if so, whether a statement indicating the details of such facilities will be laid on the Table ; and

(c) whether complaints about lack of proper medical facilities from them have been received ?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) Yes, Sir.

(b) A statement giving the required information is laid on the Table of the Lok Sabha. [*See* Appendix XV, annexure No. 44.]

(c) No, Sir.

SURVEY OF INDIA CLASS IV EMPLOYEES

2471. Shri N. B. Chowdhury: Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) the percentage of Class IV employees of the Survey of India who are permanent;

(b) the basis on which they are made permanent; and

(c) whether such employees are retained on temporary basis for many years?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) 32·2%, Sir.

(b) On completion of 7 years service in a temporary establishment.

(c) Such employees are retained on a temporay basis until a permanent vacancy is available against which they can be absorbed.

REPORT OF THE ASSOCIATION OF MORAL AND SOCIAL HYGIENE

2472. Shri M. D. Joshi: Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have taken note of the annual report of the Association of Moral and Social Hygiene read at the annual meeting of the Association recently; and

(b) whether Government propose to take any steps urged by the Association for the effective checking of immoral traffic?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Government have not so far received the annual report of the Association of Moral & Social Hygiene.

(b) Does not arise.

THIRD DIVISION CLERKS

2473. { Shri Hem Raj: / Shri H. N. Mukerjee: / Shri Bhakt Darshan:

Will the Minister of **Home Affairs** be pleased to state:

(a) the total number of Third Division Clerks who will be benefited by the increase in pay as announced by the Home Minister during his reply to the Home Ministry's Demands; and

(b) whether the Lower Division Clerks serving in other Central Government departments, *viz.*, Posts and Telegraphs, Excise, Income Tax etc. will also be covered by it and if so, their number?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) The exact number has not been worked out yet.

(b) No.

NATIONAL SAVINGS SCHEME

2474. Shri Sanganna: Will the Minister of **Finance** be pleased to refer to the reply given to Starred Question No. 2260 on the 16th May, 1956 in respect of the National Savings Scheme and state:

(a) whether any proposals have been made by the National Savings Scheme Organiser of Orissa State for raising the pay of the District Organisers; and

(b) if so, with what results?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) No, Sir.

(b) Does not arise.

YOGA ASHRAM

2475. Shri Ram Dass: Will the Minister of **Education** be pleased to state:

(a) whether any scheme has been submitted by the Yoga Parchar Samiti, New Delhi, for the expansion of Yoga Ashram; and

(b) if so, the main features of the scheme ?

The Deputy Minister of Education (Dr. M. M. Das): (a) Yes, Sir.

(b) To establish a centre for the training of Yogic Instructors and Directors with the object of setting up Public Yogic Training Centres throughout the country.

HISTORY OF INDIAN INDEPENDENCE

2476. Shri Badshah Gupta: Will the Minister of **Education** be pleased to lay on the Table a summary of facts collected so far about the heroic deeds of Raja Tej Singh of Mainpuri Raj (U.P.) during the Indian Independence Struggle of 1857 ?

The Deputy Minister of Education (Dr. M. M. Das): Amongst the meterial so far collected there is nothing relating to the subject referred to in the question.

SALARY OF GOVERNMENT SERVANTS

2477. Shri Debendra Nath Sarma: Will the Minister of **Home Affairs** be pleased to state :

(a) the number of the Central Government servants drawing salary over Rs. 2,000 p.m. ; and

(b) the number of the Central Government servants drawing salary below Rs. 150 p.m. ?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). The information is being collected and will be laid on the Table of the House.

SELECTION BOARDS

2479. Shri Madiah Gowda: Will the Minister of **Defence** be pleased to state :

(a) the number of Selection Boards which select officers for the Defence Services ;

(b) where their Headquarters are located ;

(c) the number of persons on each Board and their ranks ;

(d) the number of persons selected by each Board for the year 1955-56 ; and

(e) the cost incurred for these Boards ?

The Deputy Minister of Defence (Sardar Majithia): (a) to (e). A statement is laid on the Table of the House [*See* Appendix XV, annexure No. 45.]

ARMY OFFICERS

2480. Shri H. N. Mukerjee: Will the Minister of **Defence** be pleased to state whether it is a fact that certain officers of the Indian Army continue to be designated as holders of King's Commission ?

The Deputy Minister of Defence (Sardar Majithia): No, Sir.

ARTIFICIAL RAIN

2481. Shri Gidwani: Will the Minister of **Natural Resources and Scientific Research** be pleased to state whether it is a fact that a village called Mukurti, 17 miles from Ootacamund, Madras State, received showers of artificial rain as a result of spraying on low-hanging clouds a mixture of calcium and sodium chloride ?

The Minister of Natural Resources (Shri K. D. Malaviya): The information has been called for from the State Government and will be laid on the Table of the House on receipt.

EDUCATION OF ANGLO-INDIANS

2482. Shri S. C. Samanta: Will the Minister of **Education** be pleased to state :

(a) the amount of money spent by the Central Government for the education of the Anglo-Indians during the First Five Year Plan ;

(b) the number of Institutions in India in receipt of Central aid where only the Anglo-Indians get education ; and

(c) whether it is a fact that teachers of the Centrally aided Anglo-Indian Institutions get more facilities than teachers in other educational Institutions of the Government?

The Deputy Minister of Education (Dr. M. M. Das): (a) and (b). Nil.

(c) Not, as far as Government are aware.

ACTS MADE BY STATE LEGISLATURES

2483. Shri S. C. Samanta: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of Acts that have been passed during the last five years by Part 'A' States on the matters included in the concurrent list of the Constitution; and

(b) whether in all cases prior consent of the Central Government was taken for the introduction of Bills in respective legislatures?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). The information is being collected and will be laid on the Table of the House when received.

EMPLOYMENT FOR PHYSICALLY DISABLED PERSONS

2484. Shri Kamath: Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government propose to give special consideration in regard to provision of employment, to those who are disabled in limb (arm or leg), but are otherwise physically fit, and have the required academic or other qualifications;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) No.

(b) Does not arise.

(c) If in the opinion of Government the physical disqualification is not such as will hinder in any way the performance of the duties required of the post, the persons can be appointed to such posts. No special provisions are considered necessary.

HYDERABAD STATE BANK

2485. Shri Kamath: Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that Government propose to appoint a non-Indian as Managing Director of the Hyderabad State Bank; and

(b) if so, the reasons therefor?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) This is an appointment to be made by the Hyderabad Government under the provisions of Section 16 (2) of the Hyderabad State Bank Act but they have to obtain the approval of the Central Government under the provisions of an agreement entered into with them when the Hyderabad State Bank was appointed as the Agent of the Reserve Bank in the State. The Government of India have not so far received any proposal from the State Government regarding the appointment of a non-Indian as Managing Director of the Hyderabad State Bank.

(b) Does not arise.

DEOLI INTERNMENT CAMP

2485-A. Shri Kamath: Will the Minister of **Home Affairs** be pleased to state:

(a) whether a representation has been made to Government by the Municipal President of Deoli (Ajmer State) regarding the disposal of temporary buildings in the Internment Camp there;

(b) whether it has been considered; and

(c) if so, with what result?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) No.

(b) and (c). Do not arise.

HOUSING PROBLEM OF SCHEDULED CASTES

2487. Shri Kamath: Will the Minister of **Home Affairs** be pleased to refer to the reply given to Unstarred

Question No. 951 on the 12th April, 1956 and state :

(a) whether the grant-in-aid given to Madhya Pradesh to solve the housing problem of the Scheduled Castes and other Backward Classes during 1955-56 has been utilized ; and

(b) if not, the reasons therefor ?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (b). The inormation is being collected and will be laid on the Table of the House in due course.

SURVEY OF INDIA DEPARTMENT

2488. Shri Kamath : Will the Minister of **Natural Resources and Scientific Research** be pleased to state :

(a) the number of non-Indian retired civilian Military Officers working in the Survey of India Department ; and

(b) how long it is proposed to continue them in those posts ?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) and (b). None, Sir.

WOMEN IN POLICE FORCE

2489. Shrimati Khongmen : Will the Minister of **Home Affairs** be pleased to state :

(a) the number of women in the police force under the Central Government and their duties ;

(b) the number of women I.P.S. officers selected during 1954-55 and 1955-56 and to what States they are allotted ; and

(c) whether any special corps is constituted of women police for C.I.D. ?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) and (c). The only police force under the Central Government is the Central Reserve Police. However, information in respect of Part 'C' States is laid on the Table of the House [*See* Appendix XV, annexure No. 46.]

(b) Nil.

AWARDS ON BOOKS

2490. Shri R. P. Garg : Will the Minister of **Education** be pleased to state :

(a) whether books were invited in February, 1955 for the award of prizes of Rs. 2,000 each meant for best translation from English to Hindi published during 1954 ;

(b) if so, how many translations in Hindi were submitted by various authors and publishers for competing for the awards ;

(c) whether it is a fact that the Judges have given conflicting opinions about the merits of the books with the result that no decision has so far been taken as to which of the books should be given prizes ;

(d) if so, the steps Government propose to take to finalise the announcement regarding prizes ;

(e) by what date the prizes will be announced ; and

(f) whether books will be invited for competing for similar prizes during 1956-57, and if so, when ?

The Deputy Minister of Education (Dr. M. M. Das): (a) Yes, Sir.

(b) 53.

(c) to (f). The matter is under consideration.

REPORT OF THE COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES

2491. Shri Deogam : Will the Minister of **Home Affairs** be pleased to state whether copies of the Annual Report by the Commissioner of Scheduled Castes and Scheduled Tribes are made available to :

(i) the Members of the State Legislatures belonging to the Scheduled Castes and Scheduled Tribes ;

(ii) the Chief Ministers of States, and the Ministers for Welfare of Backward Classes;

(iii) the Commissioners of Divisions in States;

(iv) the District Welfare Officers who are put at the helm of the welfare work for the Backward Classes;

(v) District Magistrates or Deputy Commissioners who are responsible for welfare works in the district; and

(vi) the institutions which do welfare works in the country?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) Yes, Sir.

(i) Copies of the 1955 and subsequent Reports will be made available to all the Members of the State legislatures by the State Governments.

(ii) to (vi) A few copies of the Annual Reports of the Commissioner Tribes are supplied to the State Governments for the Chief Ministers and others interested in the Welfare of backward classes. It is for them to decide if copies of the Reports are to be made available to the Commissioners, District Magistrates or District Welfare Officers. The State Governments could obtain on payment any number of copies from the Managar of Publications for distribution among their officers. They could also purchase copies of the Report from the Manager of Publications.

ANCIENT MONUMENTS

2492. Shri Wodeyar: Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that Scheduled Castes are appointed as custodians of ancient monuments of national importance;

(b) if so, their number State-wise; and

(c) the duties and functions of these custodians?

The Deputy Minister of Education (Dr. M. M. Das): (a) Scheduled Caste candidates are eligible for appointment as custodians like other candidates.

(b) At present there are seven posts of Custodians, one each in the States of Delhi, Uttar Pradesh, Bombay, Madras and Bhopal, and two in the State of Hyderabad.

Information as to how many of these posts are held by members of the Scheduled Castes is being collected.

(c) Supervision of monuments, Responsibility for sale of admission tickets where such tickets are sold.

अस्पृश्यता

२४९३. **श्री जांगडे** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :—

(क) अस्पृश्यता (अपराध) अधिनियम के लागू होने के बाद अस्पृश्यता सम्बन्धी व्यवहार के बारे में अनुसूचित जाति आयुक्त और मध्य प्रदेश के प्रादेशिक आयुक्त के पास कुल कितनी लिखित शिकायतें आईं; और

(ख) उन पर क्या कार्यवाही की गई ?

गृह-कार्य मंत्रालय में मंत्री (श्री दातार) :

(क) अनुसूचित जाति तथा अनुसूचित आदिम जाति के कमिश्नर के पास १८ और मध्य प्रदेश, विन्ध्य प्रदेश मध्य भारत और भोपाल के रीजनल एसिस्टेन्ट कमिश्नर के पास ऐसी १० शिकायतें आई हैं।

(ख) इन शिकायतों को सम्बन्धित राज्य सरकारों के पास उचित कार्यवाही और रिपोर्ट के लिए भेज दिया गया है। इनमें से तीन शिकायतें आपसी समझौते द्वारा तय हो गई हैं और शेष पर अभी कार्यवाही की जा रही है।

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Tuesday
29th May, 1956

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(Part II—Proceedings other than Questions and Answers)

LOK SABHA SECRETARIA
NEW DELHI

SIX ANNAS (INLAND) TWO SHILLINGS (FOREIGN)

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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

LOK SABHA

Tuesday, 29th May, 1956

The Lok Sabha met at Half Past Ten of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See* Part I)

11-37 A.M.

PAPERS LAID ON THE TABLE

STATEMENTS SHOWING ACTION TAKEN BY GOVERNMENT ON ASSURANCES ETC.

The Minister of Parliamentary Affairs: (Shri Satya Narayan Sinha): With your permission, I beg to lay on the Table the following statements showing the action taken by the Government on various assurances, promises and undertakings given by Ministers during the various Sessions shown against each:

(1) Supplementary Statement No. III, Twelfth Session, 1956 of Lok Sabha. [*See* Appendix XV, annexure No. 47]

(2) Supplementary Statement No. VI, Eleventh Session, 1955 of Lok Sabha. [*See* Appendix XV, annexure No. 48]

(3) Supplementary Statement No. X, Tenth Session, 1955 of Lok Sabha. [*See* Appendix XV, annexure No. 49]

(4) Supplementary Statement No. XVI, Ninth Session. 1955 of Lok Sabha. [*See* Appendix XV, annexure No. 50]

(5) Supplementary Statement No. XXII, Seventh Session, 1955 Lok Sabha [*See* Appendix XV, annexure No. 51]

(6) Supplementary Statement No. XXX, Sixth Session, 1954 of Lok Sabha. [*See* Appendix XV, annexure No. 52]

(7) Supplementary Statement No. XXXV Fifth Session. 1953 of Lok Sabha. [*See* Appendix XV, annexure No. 53]

ESTIMATES COMMITTEE

THIRTY-SECOND REPORT

श्री बी० जी० मेहता (गोहिलवाड) : श्रीमान मैं रेल्वे मंत्रालय सम्बन्धी एस्टीमेंट्स समिति की बत्तीसवीं रिपोर्ट पस करता हूं।

PUBLIC ACCOUNTS COMMITTEE

SIXTEENTH REPORT

Shri V. B. Gandhi (Bombay City—North): I beg to present the Sixteenth Report of the Public Accounts Committee (1955-56) on the Appropriation Accounts (Civil), 1951-52 and Audit Report, 1953 and Audit Report (Civil), 1954—Part I—Volume I.

COMMITTEE ON ABSENCE OF MEMBERS FROM SITTINGS OF THE HOUSE

FIFTEENTH REPORT

Shri Altekar (North Satara): I beg to present the Fifteenth Report of the Committee on Absence of Members from the sittings of the House.

LOCK-OUT IN CASHEW-NUT FACTORIES

The Minister of Labour (Shri Khandubhai Desai): A strike was called by the Cashew Staff Association on the 16th May, 1956. Following the strike, the factories (about 33 in all) declared a lock-out affecting 25,000 workers and 1,400 other members of staff. The strike was called by the staff Association in pursuance of the following demands:

(i) Staff to be made monthly paid.

(ii) Salary and pay scales to be enhanced.

[Shri Khandubhai Desai]

(iii) Salary to be paid during the period of closure of factories.

(iv) Grant of leave facilities, outstation allowance, night allowance and enhanced bonus.

There were no demands from the workers. The State Conciliation Officer tried to bring about a settlement but as he did not succeed, the Government of Travancore-Cochin referred the dispute to an Industrial Tribunal for adjudication. They also declared both the strike and lock-out illegal. Thereafter all factories started working from the 21st May, 1956 and since then, the situation is normal.

Shri Nambiar (Mayauram): On a point of clarification, may I know whether any workers are on strike or any section of the workers in lock-out or a complete settlement has been reached after the declaration of the illegality of the strike?

Shri Khandubhai Desai: According to the information which we have received, the workers had resumed and the situation entirely normal. I have no information at my disposal whether any persons have been locked out.

ARREST AND RELEASE OF A MEMBER

Mr. Speaker: I have to inform the House that I have received the following letter dated the 26th May, 1956, from the Superintendent of Police, Ludhiana:

"I have to inform you that Shri Saidullah Khan Razmi, a Member of the Parliament, was arrested by the Ludhiana Police at 6 P.M. on the 25th May, 1956, in cases F.I.R. No. 189 and No. 190, dated the 31st March, 1956, under section 9 P.S.S. Act and 506 I.P.C., Police Station City Ludhiana, and was released on bail at 7-30 P.M. the same day."

BUSINESS OF THE HOUSE

Mr. Speaker: Shri Deshmukh.

The Minister of Finance (Shri C. D. Deshmukh): I rise to move that the....

Shri Kamath (Hoshangabad): Before the House proceeds to the next business, I request you that, in view of the fact that it is the penultimate day of the session and this is the only Bill to be taken up for the whole of today, the time-schedule for tomorrow may be fixed because we have got discussion on the working of the Preventive Detention Act, then we have got the Bengal exodus to be discussed and then the I.A.S. rules, and then the Bill that has come back amended by the Rajya Sabha—the Representation of the People (Amendment) Bill. In view of the fact that a normal day is about eight hours and this is going to take eight hours or so, I would like you to fix up the schedule for tomorrow.

As has been the custom in such long sessions, we might have a night sitting tomorrow as we did once in the last Parliament and should have a dinner, because the session should end with a bang and not with a whimper. We should sit in between and come back to the House after dinner and carry on till 10 O'Clock, if that is possible. In any case, the time-schedule should be fixed.

Shri Ramachandra Reddi (Nellore): I would like not a sleepy night but an active day. As such, we may sit from 8 O' Clock in the morning till 1 O' Clock and in the afternoon from 3 to 6 or 7 O'Clock.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I suggest we might sit from 10 to 6.30 or 7.

Shri M. S. Gurupadaswamy (Mysore): What about the dinner?

Shri Satya Narayan Sinha: At 6-30 you want dinner?

Shri Kamath: High tea.

Mr. Speaker: For tomorrow, the work as it stands at present is as follows: Preventive Detention Bill discussion—5 hours; discussion on the exodus of Hindus from East Pakistan—2 hours; discussion of the rules relating to emergency recruitment of I.A.S.—1 hour. Total 8 hours. The Representation of the People (Amedment) Bill may take 15 minutes or so. We will assume half an hour at the most.

Shri Kamath: What about the half-an-hour discussion?

Mr. Speaker: That will be postponed to next session. We cannot go on overworking.

Shri M. S. Gurupadaswamy: May I make a submission?

Mr. Speaker: Let us meet at 10 a.m. tomorrow and then carry on till 6 or 6-30. That is enough. We will have 8 or 8½ hours. Let us not overload ourselves by dinner.

Shri T. B. Vittal Rao (Khammam): The discussion which has been raised by me regarding Employees Provident Fund Act, 1952, will be taken up tomorrow.

Mr. Speaker: Let us take it up next session.

Shri T. B. Vittal Rao: No, no. It was postponed to tomorrow from the 23rd.

Shri Kamath: While we are on the subject, may I make a request to you? You were good enough to assure us the other day that the Second Five Year Plan committees would not meet when the House is sitting. Tomorrow is an important day. Many of us will have to attend the House throughout. Tomorrow the Planning Committee B is to meet, but many of us will not able to attend it. I request you to see that this meeting is not held.

Mr. Speaker: Representation must be made to the Chairman. He will consider this matter.

We are meeting tomorrow at 10 O' Clock in the morning and will carry on till 6 or 6-30 P.M. as the case may be.

Shri T. B. Vittal Rao: Half-an-hour discussion.

Mr. Speaker: Half an-hour discussion till 7 O' Clock.

Shri Satya Narayan Sinha: I suggest that time for the different stages of the Constitution (Tenth Amendment) Bill may be allotted so that the Members may know when the voting will take place on the three stages.

Mr. Speaker: Hon. Members on this side along with the hon. Minister of Parliamentary Affairs will sit together and settle as to what time may be allotted for the several stages of the Bill. As soon as the hon. Finance Minister concludes his remarks on the first stage, I shall announce it to the House so that we may stick to the programme.

CONSTITUTION (TENTH AMENDMENT) BILL

The Minister of Finance (Shri C. D. Deshmukh): I beg to move:

> "That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration."

The Joint Committee has recommended that the Bill as introduced in the Lok Sabha be passed. This conclusion has emerged after a great deal of discussion of all points of view. There are Minutes of Dissent and therefore it is needless to say that there was not complete unanimity in the committee. Particularly, there was a strong volume of opinion in the Joint Committee which was of the view that it would have been very much satisfactory, had the Central Government been able to retain the power to intervene, as it can today, in respect of imposition of sales tax on goods essential to the life of the community, under the Essential Goods Act of 1952, that is to say in regard to the provisions of the Essential Goods Act of 1952 and particularly in respect of what were described as necessities of life. This point has been urged with varying degrees of emphasis by several Members in their notes and Minutes of Dissent. At this stage I consider it necessary to place before the House certain salient points for consideration.

I realise that hon. Members have been exercised as to the possibilities which this Bill opens up for the levy by the States of sales taxes at onerous rates on articles which figure largely in the domestic budget of the common man. This anxiety is readily understandable especially as the House regards itself rightly as the zealous guardian of the fortunes of the common man, and yet in spite of this sentiment, I would like the hon. Members to consider dispassionately what the present position is and how we could change it if in the circumstances a change is called for.

[Shri C. D. Deshmukh]

As the Constitution stands at present, it provides in substance that any law of a State which imposes a tax on goods declared by Parliament to be essential for the life of the community can have effect only when assented to by the President. The important point to remember about this provision, however, is that it does not apply to laws that had already been passed by the time Parliament declared what goods are essential for the life of the community. It is not necessary for my purpose to give a list of the States which had such laws in force then and have them now, the commodities concerned, the rates prescribed, and the character of the taxation, that is to say, whether it is single-point or multi-point. There are about four States which were, under this dispensation, in a position to levy a sales-tax on foodgrains; some others levied on *gur* and so and so forth. Suffice it to say, that this provision of the Constitution has not in fact served to give us complete or even decisive control over the levy of sales-taxes on such commodities, that is to say commodities declared to be essential for the life of the community. Various States had as I said, taxes at various rates and these taxes continue to be unaffected by the constitutional provision. That was the first major weakness of the present situation.

Then, it is often contended with some justification that the list of goods declared by Parliament to be essential for the life of the community includes items which cannot strictly be regarded as essential in common parlance. For instance one could not reasonably hold that dried fruits and hides and skins are essential at least in the same sense as, say, foodgrains are. Then, finally, while the State Governments have been prevented from imposing sales-taxes on goods essential for the life of the community, except in accordance with the provisions of that Act and while the result of applying the essentiality test has placed a statuory bar on any increases in the sales-tax levy, the States have often complained of the fact that the Central Government themselves have levied high taxes in the form of excise or customs duties on some of the goods declared by that Act to be essential to the life of the community, for instance, cloth and petrol. It was apparent therefore that this whole question needed careful examination. And this was precisely what was carried out in great detail by the Taxation Enquiry Commission. They came to three conclusions, firstly that State Governments should have full powers to tax sale or purchase of goods including goods declared at present to be essential to the life of the community, and secondly that some restrictions may be justified in regard to the taxation of raw materials of special importance by taxing which the State Governments could effect an increase in the cost of manufactured articles whether such manufacture takes place in the State which uses the raw material or in another which imports the material from that State. The Commission were of the view at the same time that such control should be confined to a very small number of well-defined commodities of special significant in inter-State trade. Broadly speaking, no commodity should be selected for control and regulation by the Central legislation as of special importance in inter-State commerce, which is not a raw material or largely in the nature of a raw material, which either as raw material or later as finished goods based on such raw material is not in terms of the volume of inter-State trade of special importance in such trade, and which finally in terms of the country as a whole is not of special importance from the point of view of the consumer or of the industry.

On this basis, six commodities, namely coal, iron and steel cotton, hides and skins, oilseeds, and jute were selected as being of special importance in inter-State trade. This view of the Taxation Enquiry Commission has found support from the panel of economists nominated to advise the Planning Commission on the formation of the Second Five Year Plan. Their memorandum says:

> "We wish to endorse in particular the recommendation of the Taxation Enquiry Commission to the effect that article 286 (3) of the Constitution may be amended to remove the present exemption of articles essential to the life of the community from the scope of State sales taxation."

Government have broadly accepted these recommendations and also the view of the Taxation Enquiry Commission that the sales-tax must essentially continue to be a State tax as a source of revenue and must continue to be levied and administered by State Gov-

ernments. The sphere of power and responsibility of the States may be said to end and those of the Union to begin, when the sales-tax of one State impinges administratively on the dealers, and fiscally, on the consumers of another State. In other words, inter-State sales should be the concern of the Union; so should specific intra-State sales, as for example, when a raw material produced in a State figures significantly as a manufactured article in an inter-State transaction in the manner I have described before. To the extent necessitated by these considerations, and to that extent only, the Taxation Enquiry Commission have recommended the imposition of restrictions on the States and assumption of certain powers of levy and control by the Union. This Bill has been drawn up to implement this scheme of inter-State sales-tax. By the adoption of this scheme of taxation, we shall be able to ensure that at least in regard to the most important raw materials which enter into inter-State trade and commerce, there shall be a uniform burden of tax, and that uniform burden too shall be of a strictly restricted nature, that is, the tax shall be levied only at a single point at the last stage of sale or purchase in so far as the specified goods are concerned.

If to this list, at the proper time, it is possible—as I am advised, it would be possible—to add one or more commodities out of the present list of essential commodities as being of special importance, well then, the interests of the country as a whole might have been further secured; we shall have ensured generally, therefore, that raw materials required for the manufacture of finish goods carry a more or less uniform tax burden throughout the country. That would be a matter for consideration when an actual Bill comes before Parliament, after this constitutional amendment is accepted. In due course, after this has been put through, we shall, therefore, be introducing a Bill to give effect to the detailed recommendations of the Taxation Enquiry Commission. The House would then have to discuss and decide among other things the principles on which commodities are to be declared of special importance in inter-State trade and commerce, and the structure of the tax rates.

There is one basic fact which we must not overlook. A constitutional amendment of this nature calls for the consent of the States and their legislatures, or at least of a majority of them.

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I refer to article 368 of the Constitution. We have been able to secure this informally to the Bill as it stands before the House, and very largely we have been able to do so because it follows scrupulously closely the recommendations of an expert body like the Taxation Inquiry Commission. Therefore, if we attempt to introduce any change or substance in this Bill, then I am afraid it would be incumbent upon us to go back to the States. What the outcome of that reference would be I should not like to foretell, nor is it easy to say how long that process will take. But one thing is certain, that it will take many months before we arrive at reasonably agreed conclusions again.

Therefore, if we are not to deprive the State Governments, and indirectly, therefore of ourselves, upon whom so much burden is cast, of assisting the States in their development plans, of a conceivable considerable amount of revenue—this is the responsibility of this House as also of similar other chambers in the country, that is to say, this task of finding the resources for the plans we have for developing the country's economy—we cannot afford to lose time in this respect. I should like to assure this House, because this point was raised by more than one Member in the Joint Committee, that I shall acquaint all the State Governments with the great anxiety with which many hon. Members have regarded the sales tax on essential goods, and the views that might be expressed on this aspect of the matter in this House during the course of these discussions.

Once hon. Members are clear that as things stand, we do not have anything like an effective control over the sales tax as levied in various States over essential commodities, that it is not possible to expect the States Governments to concur in any constitutional amendment which would enlarge the present powers of the Centre, and that in the context of our increasing development activities and of our anxious search for further resources, then I think they will come to the conclusion that it is unavoidable that some part of this burden will have to be borne by the common man. If hon. Members accept this, I hold that they cannot but agree with these proposals. I am convinced that in taking powers thus to regulate the

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sales tax on transactions in inter-State trade and by taking powers regulating not only the inter-State but also the intra-State level of taxes on important raw materials, Parliament would have taken a very decisive step of great importance.

There is one last point which I should like to make and that is that certain hon. Members feel that the State Governments are being deprived of their present powers of taxing sales and purchases of commodities. So far as inter-State transactions are concerned, under clause (3) of article 286, no law of a State can have effect except to the extent to which it is permitted by an Act of Parliament. That is equivalent, at the moment, to raising a bar, but that is not equivalent, I should like to point out, to actually levying sales tax on inter-State transactions at uniform rates. In other words, it is open to States to abstain from any advantage of competence by the removal of the bar by Parliament, should we proceed to pass a law under clause (3) of article 286, whereas under the new scheme, we take a more positive step of actually levying a tax on inter-State transactions, and to the extent to which that is levied on commodities of special importance in inter-State trade and commerce, those rates will also apply to the rates that are leviable in the States themselves on intra-State transactions.

Therefore, indirectly we shall have achieved a great deal of uniformity in a field in which uniformity matters most. In regard to the other categories of goods, uniformity has been urged as a desideratum from time to time, but the conclusion of most people who have examined this problem is that so much water has flowed under the bridge that it is not now possible to recall it, and that one would have to give up any hopes of introducing a dead level of uniformity in the scheme of sales taxes all over India and in all States.

Mr. Speaker: Motion moved:

> "That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration".

The hon. Minister of Parliamentary Affairs has informed me that there is an agreement regarding division of time over the several stages of this Bill. Instead of six hours which have been allotted, hon. Members would like to save one hour from this. Is it agreed upon?

Shri Kamath (Hoshangabad): Yes.

Mr. Speaker: That one hour will be added to the time allotted for discussion of the motion regarding the working of the Preventive Detention Act. That will be started today, and we will have one more hour for it tomorrow. So we need not sit so late.

Regarding these five hours, three hours will be devoted for general discussion, one and a half hours for clause by cluase consideration and then half an hour for third reading.

Now Shri Vallatharas has tabled an amendment.

Shri Kamath: May I suggest that the discussion on the exodus from East Bengal be started today?

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): According to this time allotment, voting on the motion for consideration will take place at 2-45 P.M.

Shri Kamath: May I suggest that instead of the motion re: Preventive Detention Act being taken up today, we may take up the motion re: exodus of minorities from East Bengal?

Mr. Speaker: Even then, it will be half concluded. Two hours have been set apart for it. Here only one hour will be available. Let us make a beginning so far as the hon. Minister is concerned.

I find that as many as 14 hon. Members wish to take part in the discussion now as per names sent to me.

Shri S. S. More (Sholapur): I have not sent in my chit, but I wish to participate in the discussion.

Mr. Speaker: That makes it 15.

Some Hon. Members *rose*—

Mr. Speaker: I have got Shri Bansal's name here.

I now presume that as many as 19 or 20 hon. Members would like to take part.

Shri Mohiuddin (Hyderabad City): We would like to speak.

Mr. Speaker: I have to distribute three hours by alloting not more than ten minutes to each hon. Member.

Shri S. S. More: The point is this. This is as far as the power of taxation and the distribution of power between Union and the States are concerned. It is a very complicated question, and I think within ten minutes it will hardly be possible for us to approach the problem from a constitutional and commercial point of view. These are the considerations; it is not only of constitutional importance, but also of financial importance.

Shri Kamath: Restore the six hours.

Mr. Speaker: What does the hon. Miister say? Shri S. S. More says that ten minutes will be too short a time for each hon. Member to make his points so far the policy is concerned. In any case, the maximum will be 15 minutes. Hon. Members will bear in mind that when this was sent to the Joint Committee, there was sufficient discussion over this matter. General discussion went on and there was no clause by clause discussion at the stage. We are only repeating that after reference to the Joint Committee. The question for consideration will be what changes have been effected by the Joint Committee. All hon. Members who took part in the earliest stage may now refrain from taking part and allow other hon. Members who have not taken part so far to speak.

Pandit Thakur Das Bhargava (Gurgaon): That would mean that those unfortunate persons who could not carry conviction in the Joint Committee will not have any opportunity here. They would not be allowed to ask the House to agree with them.

Mr. Speaker: The hon. Member has not understood me properly, Before it was sent to the Joint Committee there was a discussion and those who took part in that discussion at that stage will now kindly refrain from taking part. Others will just place their views before the House. There are always exeception to particular rules.

Shri S. S. More: May I make a suggestion about the allotment of time? As far as clause-by-clause discussion is concerned, we need not have one hour and a half in view of the fact that the Joint Committee was pleased to make no change in the Bill itself. If one hour is allotted for the clause-by-clause discussion, that will do. As far as the third reading is concerned, we need not have even half an hour. So, let us concentrate on this general discussion as much as possible.

Shri Bansal (Jhajjar-Rewari): I think that is a better suggestion.

Mr. Speaker: If that is the desire of the House, I shall increase this three hours to four hours and reserve one hour for the clause-by-clause consideration and we need not have any time for third reading.

Shri C. D. Deshmukh: I think that would be proper because the actual details would not matter very much after the general discussion. It is all wound up together.

Mr. Speaker: Then, at 3-45 we will have voting on this particular motion.

Pandit Thakur Das Bhargava: May I be allowed to put one question to the hon. Finance Minister? He himself has been pleased to indicate that so far as the question of articles of special importance are concerned, they will be considered later. In the Joint Committee also, there was mention about it and I want to know from him specifically if he is agreeable to include foodgrains among articles of 'special importance'.

Shri C. D. Deshmukh: It will be for Parliament to decide when the second Bill is brought before it. I have indicated the possibility of including one or two articles. In other words, I have not ruled out the inclusion of articles like foodgrains.

Pandit Thakur Das Bhargava: If there is any likelihood of foodgrains being included, much of the criticism will go away.

Shri C. D. Deshmukh: It would not be right and proper for me to give an undertaking in this respect....

Pandit Thakur Das Bhargava: .We do not want any undertaking.

Shri C. D. Deshmukh: . . . . because I am really the mouthpiece of the States. But, I say that it will be open to Parliament, when they consider that Bill for actually levying the sales tax, to enlarge the category and include foodgrains.

Pandit Thakur Das Bhargava: I do not want any undertaking. I only beg of him to kindly tell us if in his opinion there is a likelihood of foodgrains being included there.

Shri C. C. Shah (Gohilwad-Sorath): Foodgrains are of special importance in inter-State trade and commerce so that Parliament can include it.

Pandit Thakur Das Bhargava: I am sorry I put the question only to the hon. Finance Minister.

Shri C. D. Deshmukh: What I say is that I do not think it right to make a statement as to what Parliament will do on a future occasion.

Pandit Thakur Das Bhargava: I do not want that. I am also a part of Parliament and I know what it will do or not do. I only wanted to know from the hon. Finance Minister if, in his opinion, there is any likelihood of the inclusion of foodgrains in articles of special importance. That is the only question. If he wants, he can give us a reply.

Shri C. D. Deshmukh: The question is not so easy as to say whether foodgrains will be included in the Bill to be brought forward before the next House. What he is asking is whether there is a likelihood of foodgrains being included in the next legislation to be passed by Parliament.

Pandit Thakur Das Bhargava: In the Bill and not by the House.

Shri C. D. Deshmukh: So far as the proposal is concerned, what I have undertaken is to communicate to the State Governments the views of my hon. friend and others in this matter. I am not aware myself of any strong reason why foodgrains should not be included. Therefore, there is the likelihood of foodgrains being included in that Bill that will come before the House, provided we carry conviction to the State Governments concerned.

Shri Vallatharas (Pudukkottai): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th July, 1956."

It is not likely that the hon. Finance Minister will agree to my amendment but I have got fundamental differences in the approach to this question. This Bill was printed on 1-5-56 and it was introduced in this hon. House on 3-5-56 and then it was discussed on 9-5-56 by this House for a reference to the Joint Committee, the Rajya Sabha discussed it on 15th May and the Joint Committee submitted its report on the 23rd and today on the 29th, we are considering that Why this unusual haste? Why should a matter of this type be rushed through without any proper consideration? I feel that even at the Joint Committee stage this matter had not been given the due consideration which it should have received. My first submission is that without ascertaining the opinion of the general masses in this country, we won't be justified in passing this Bill.

At the time of our election, the mandate was not for excluding the commodities essential for life and to include these special articles of industrial and commercial interest. I submit that securing more votes or more seats is not the consideration but we must see the intention with which the votes were given to us at the time of the election by the people. They were given to us on a certain specific basis. We had the plans unfolded to them and we did show that we had a progressive outlook. We impressed upon them that we wanted to make the country self-sufficient and also to increase the standards of life. It was only on that basis that article 286 was enacted. It is quite patent that the Constituent Assembly considered this aspect that the State Governments should not be allowed to run amuck in the pursuit of their taxation policies which will be to the prejudice of the people. The poor man was saved from such taxation and the whimsicalities of the State legislation by providing safeguards in the Constitution that essential articles should be subject to Central control. Now, it is sought to remove that and bring in a change in the tempo and description of the language. The word 'essential' is being replaced by the word 'special'. What is 'special' and what is 'essential'? 'Essential' is 'essential for the life of a man' and in 'special' the requirement of the State comes in. And, when the hon. Finance Minister said that he was the

mouthpiece of the State Governments, I was very sorry what he has just lowered himself in the estimation of the people and the nation who have reposed the greatest confidence in him that he would protect the common man from the onslaughts of the States and their taxation policies.

On account of the judgments of the Supreme Court and also for other reasons, very recently, we have validated the collection of sales tax by the States for 5 years, which has no justification. We have done that simply because the State Governments have collected the taxes and there is no possibility of finding out the ways and means of returning them to the proper persons. I would submit that the Madras, the Hyderabad and the Mysore States have got their own system of taxation, the multiple point tax, at each level of sale and purchase. It has told upon the people very heavily. What is the safeguard for the people? We have been saved so far at least from taxation on essential goods, the very food that sustains us. Once or twice in the year the crops fail and the prices go high. When we have money the grains are not available and when the grains are available we have not got the money to buy them. This is the wretched level to which we have been brought. That is why I do not see any justification for modifying it in favour of the States.

The whole Bill seems sinister to me. It is one thing to favour an industrial community or a commerical community by relaxing certain restrictions and complicated provisions that arose out of the Bombay judgment. As a result of the Bombay judgment, the State Governments have issued notices of demand to those traders who were non-resident to produce their account books etc. On that basis alone several complaints were received by the Central Government. It was not from the poor man in the street or the villager who was guaranteed relief under the Constitution. So, the Central Government wanted to give relief. The other day a committee considered the matter. The hon. Finance Minister himself did foresee the situation in 1952 and 1953. He wanted to effect great reforms and he himself knows how the States stood in his way. He wanted to bring about uniformity in the sales tax legislation; he wanted to see the explanation to article 286(1) strengthened by a mental adjustment but the State Governments did not accept it. There was a meeting of the State Finance Ministers and I have a Press report which says that the move of the Finance Ministers was about to succeed—about having a uniform legislation but the man with black glass, Shri Rajagopalachari intervened and whole matter had to be dropped. All these appeared in the papers and we are watching them. What is the best way of dealing with them? The hon. Finance Minister, acting on behalf of the nation from the Centre, should consider that the States follow what the Parliament is able to lay down. It is not a question of slavish dictation or autocratic dictation, but on the other hand, the national interest must be served by the States and not the States' interest must be served. In this way, Parliament will be justified in bringing forward a Bill by which a uniform sales tax is made to prevail throughout the entire country. That thing has not been done. In that respect, if we consider the present Bill, three years have elapsed, and of course, I am alive to the shortcomings and difficulties in this matter. I say that this legislation is a piecemeal legislation and does not appear to satisfy the people at large. This legislation satisfies only a particular community—I do not say that the traders and business community should not be served; of course, they have to be served and they should be freed from all the difficulties which they have been undergoing with the sales-tax department. But the other is more important, that is my point. If hon. Minister is not able to convince himself and also respond to the wishes of the nations that imperatively the essential commodities are the life of the nation and that should be placed here in consonance with some of the important amendments given by hon. Members, then I would submit that the Bill is only sinister and is only a ruse to enable the State Governments to levy taxes in their own fashion, unrestricted, unlimited and uncontrolled.

So far as the Essential Commodities Act and other Acts are concerned, although they are prevailing now in the States, the State Governments have been levying taxes in their own way. It is one of your observations at one time that the State Governments have been avoiding all the restrictions that we

[Shri Vallatharas]

have placed upon them and such collection of levies has been objectionable. In spite of all that, we are not able to control the State Legislatures in this matter. Of course, there are certain things which are under the exclusive right of the States, and something is reserved for the Centre. But what is the difference. The underlying principle is that it is only to see that the Central Government is freed of certain responsibility and that the State Governments should assume responsibility thereof. I would submit straightaway that the administration in the Madras State in respect of sales tax is highly callous, is highly disastrous to the people, to the nation. Of course, now all appear to be glorious because the people are Plan-minded, but the result that would arise out of the taxes has got a far-reaching effect. Suppose a foodgrain, ragi, is taxed, what will happen? I do not mind if cool drink is taxed; I do not mind if some of the fantastic sweets are taxed. But the very food of the poor man, who has a hand to mouth existence, should not be taxed. If it is taxed under any pretext, I would submit that it is a very atrocious act on the part of any Legislature to touch the poor man's food. The sales tax is a direct tax though levied from the seller. Because the seller gets it from the purchaser, it appears indirect, but it is really a direct tax. I like the hon. Minister for his frankness and whenever he makes a point, he tells us what he desires to do and what he intends to do. Once he said that we cannot escape imposing a tax on the common man because we have to see through the Five Year Plan. At the same time, you will see people starving because you are going to touch the poor man in this way, because you are going to touch the weakling, and you should not allow the entire society to be rendered poverty stricken.

Mr. Speaker: I am not able to draw the line. There are certain taxes which are essential, under the Constitution, that is, inter-State items, including food. Even under the original Act or the Constitution, we had only the right to give power to the various States to impose duties or sales taxes on inter-State transactions. Now that power is sought to be taken by Parliament and a further Bill will come into being. The hon. Member is going on referring to the various kinds of duties and taxes, the various stages of exemptions, etc. etc., regarding transactions within the State itself and then criticising the particular Government for having imposed taxes. I do not know how far all that will be relevant here.

Shri Bansal: He is only referring to essential items.

Shri C. D. Deshmukh: The hon. Member's point seems to be in connection with the proposed omission of the present sub-article (3) of article 286, which enabled us to pass the Essential Goods Act, 1952. Nevertheless, when I come to reply, I shall have to point out that even if this whole Bill were to be dropped, it is not going to help in that particular matter which he is mentioning—the allegedly callous administration of the sales tax by Madras. But as I pointed out, it is one of those States which, even before the Constitution came into effect, was imposing a sales tax on foodgrains.

Shri Vallatharas: I am confining my arguments to this one point. Hereafter, we must see what articles are added, what essential articles are added to the list of articles of special importance. The Constitution has bestowed on them certain powers and why should they be taken away now? I am not opposing the other part of the Bill. I really fall in line with the other part of the Bill. But so far as this part is concerned, I take the strongest objection.

I would not speak of the other States as there are hon. Members who represent those States and who know better about them. With my partial knowledge of other States, sometimes it may be exaggerated or misguided, I do not want to interfere in their provincial life and they are better judges so far as their States are concerned. But so far as Madras is concerned, single point tax is not there, double point tax is not there, but multiple point tax is there. I am very sorry to say—whether the Madras Government is right or wrong in its actions—that the present set of things looks aghast and alarming there. That is my submission. In 1939, the Congress regime came in and they purposely established the system of sales tax for the purpose of raising and enhancing the State revenue. Is it not the motive behind it? Whenever the State Government feels diffident, it increases the tax—single point tax, double point tax and multiple point tax. Then a composite tax will have to come in. It

is the duty of this Parliament to care for us in these matters. Government have been guiding us with the safeguard that the essential articles will not be taxed. If you are going to throw that away, we will be in the streets. It is the duty of the Parliament to see to our welfare. Of course, consequences may arise.

Shri C. D. Deshmukh: What sub-article (3) does is to freeze, so to speak, the pre-existing taxation of articles now classified as essential for the life of the community. Therefore, even in Madras, you have a multiple point tax of three pies on foodgrains, and that cannot be increased without the assent of the President. In Bihar there is a three pies single point tax on foodgrains. If they want to raise it from three to six pies, or whatever the figure may be, they will have to come to the President for his assent under the Essential Goods Act. Therefore, what we were levying before is maintained by sub-article (3) of the Constitution.

Pandit Thakur Das Bhargava: What debars us from....

Shri C. D. Deshmukh: One more point before that. It is wrong to paraphrase the Essential Goods Act as meaning that there is an absolute prohibition on the levy of taxes on goods essential for the life of the community With the assent of the President a tax can be levied. The hon. Member has been using a language which would indicate that under that Act no levy is allowed. That also is not correct.

Pandit Thakur Das Bhargava: When we enacted the Constitution, we also prescribed certain steps or procedures to amend the Constitution. What debars us from amending the Constitution to this effect, namely, that in regard to essential goods, whether it had the power previously or not, no State shall have the power to tax. We shall give retrospective effect to this so that in Madras also, people will be free from this kind of taxation, which my hon. friend is speaking of.

Shri Vallatharas: I have received representations from my constituency and also from other places in the south that the system as it exists today is painful. That is the limited subject to which I will confine myself.

The hon. Minister drew our attention to the fact that a certain limit or tax is specified and it cannot be increased. One hon. Member made an observation in the Select Committee whether the Essential Commodities Act itself will be on the statute book hereafter in the light of this amendment. I would like a clarification on that matter.

I shall just conclude my speech. From the amendments tabled, it is possible to see that the idea is to see that the essential commodities are free from tax. Some of these articles may be in the list of special articles. There must be a specific provision. You may tax the entire nation for the Plan; I agree. But I also feel that the people must not be treated like the golden goose. There is no use destroying people's vitality which is already gone. If a person takes five *iddlies* and two coffee, the salesman will say that you have to pay 1½ annas by way of tax. You will see in that way that meals are also going to be subjected to sales-tax. If a beggar is supplied a meal that will also be subjected to tax. It is not for a mere academic discussion that I say this. If the House and the Government run by the Congress Party have a lenient view and accept the spirit of my amendment, it will do good. I welcome the other parts of the Bill. But in respect of this part, a certain drastic change has to be made. The States are allowed to tax these essential commodities so that they may raise money. I can see the under-current of all these things. In the name of Plans, these things are done and the poor man has been taxed more. The time of election is nearing. Six ounces were declared by the Government to be the quota of each man. What did they do? There should not be a repetition of that in India. These are supernumerary taxes; I should say they are discriminatory taxes. People were enthusiastic about the nation before the Independence and after that. But in these peaceful times, there is a selfish attitude and there is a blind pursuit of certain things. We are lacking in chances to approach the people and get the mind of the people. If this Bill is circulated you will receive plenty of representations and then there will be a chance of sympathetic consideration.

Mr. Speaker: Amendment moved:

> "That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th July, 1956."

Shri N. B. Chowdhury (Ghatal): This Bill is expected to remove some of the

[Shri N. B. Chowdhury]

legal controversies anomalies and conflicts that existed in the past in regard to the tax on the sales or purchases of goods. Only by experience, we shall be able to know how far this new amendment will mitigate the hardships. It seems that we shall clarify the position and make the law relating to inter-State sales-tax simpler and clearer. I find it difficult to understand the point which has been made in some of the notes appended to the report of the Joint Committee. It is said that we should retain the power here, in the hands of the Central Government or the Parliament. Whenever any tax has to be imposed on essential goods, it is to be done with the consent of the President. Then there will be no injustice or tax on essential commodities, etc. This has been said. But here we see that year after year, so many taxes are imposed on essential articles and this year the new items are mustard oil and coarse cloth. So, I do not see any point in the complaint about giving this power to the States. The State legislators are in close touch with the people. They can go to the people more frequently than we because of certain limitations on us. The Members of Parliament or the Central Government administrators also belong to the same people and by taking away the power from the States legislatures, we may not be in a position to prevent the Government from imposing taxes on essential commodities.

As has been pointed out, a large number of people in this country are very poor. Some have made calculations that fifty per cent of our people get less than ten annas and 25 per cent less than a rupee and so on. The condition of our people is far worse. If you take into account the condition of about eighteen million families of agricultural workers, their average income is half the average national income, which means five annas a day. There is abject poverty and they are not in a position to bear the extra burden of these taxes. There should be no tax on these essential commodities, foodgrains and other things. Where is the guarantee that such taxes will not be imposed by refusing the power to the State legislature to impose taxes without the permission of the President? The Central Government gave permission to the U.P. Government to tax the foodgrains and other essential commodities. So there is no guarantee that permission will not be given if power is retained with the Central Government or this Parliament.

Shri C. D. Deshmukh: I would like to make one clarification. The U. P. case is not really an argument because permission was given there on the understanding that this Bill would be presented as an agreed scheme before the Parliament. If for instance, the Taxation Enquiry Commission's recommendations had not been accepted as a whole, then we should have taken a different view of our responsibilities under the Essential Goods Act of 1952.

Shri N. B. Chowdhury: Whatever be the process by which taxes are imposed, what we are concerned with here is that there should not be unreasonable taxes on essential commodities. Whether it is done by the States direct or by some provision made by the Central Government or the President, it does not make material difference. So far as the common people are concerned, they should not be made to suffer as has been pointed out by several notes.

The next point is about the allocation of the taxes that will be realised. This is a very important thing because there is uneven development in the country and the States are so situated that there are certain States which are in a position to supply certain raw materials and other things for manufacture elsewhere. Therefore, unless these States get a certain revenue from the imposition of taxes on inter-State transactions, it will be very difficult for them to develop. When the Central Government realises these taxes on inter-State transactions it should be their duty to see that the States get their dues. Of course, there would be the charges for realisation etc.,—the establishment charges—but deducting that amount, the amount realised should be properly allocated to the States concerned.

Shri C. D. Deshmukh: The whole of it minus the expenses goes to the State.

Shri N. B. Chowdhury: But another law would be necessary.

Shri C. D. Deshmukh: If the hon. Member would refer to article 269, the actual allocation is to be made in accordance with the principles of distribution as may be formulated by Parliament by law.

Shri N. B. Chowdhury: So, another law has to come. What I say is, while drafting that Bill, the Government should see that proper allocation is made so far as the States are concerned.

Then there is another thing. The Taxation Enquiry Commission Report has made it very clear that the States should have jurisdiction over this sales tax. This should properly go to the States. Therefore, in connection with the inter-State sales transactions and other essential commodities taxes, etc., there is one difficulty. In view of the growing financial difficulties of the States they are thinking of imposing taxes on as many articles as they can. In certain States they are proposing a tax on trees. No such tax existed before. The sales tax is also going to cover a larger field. Many new articles are sought to be brought within the purview of the sales tax law. Therefore, in such cases, while we speak of exemption being granted to essential commodities etc., it is very necessary that the Government should make arrangements to discuss the matter with the various States so that there may be a certain amount of reasonableness in their attitude towards this taxation measure.

There is yet another thing. Previously, there was so much anomaly and discrepancy so far as tax on the same commodity in various States is concerned. This led to some sort of smuggling because the tax on the same commodity differed in two neighbouring States. By this amendment or by any other provision in any existing law it is not possible to bring about strict uniformity. There must be some way by which this can be done.

Through this amendment it has been provided that although the Essential Goods Act may be inoperative after this amendment is passed, certain goods may be declared to be of special importance from the point of view of inter-State trade and commerce. Under that provision it may be possible to declare any article, when it affects inter-State industries etc., as essential. In that way the Government may decide to declare some articles to be of special importance from the point of view of inter-State trade and commerce and thereby a uniformity may be brought about in an indirect way. By way of an illustration, if you take the case of coarse cloth, the rate of tax in Orissa may be two annas whereas in Bengal it may nine piés per rupee. That will create a difference the price for the same unit of cloth coming from the same mill and there will be some sort of smuggling if there is scarcity of cloth in one State. We have witnessed such things in the past. Therefore, what I say is, through this measure, which provides for declaring articles of special importance from the point of view of inter-State trade or commerce, we should bring about some sort of uniformity so far as tax on inter-State transactions is concerned.

These are the points that I wanted to place before the House. I think this is an improvement on the Constitution. Although we do not like that there should be taxes on essential goods etc., it has to be admitted that there is going to be some sort of improvement so far as the interpretation of the law is concerned.

Shri Raghavachari (Penukonda): Mr. Speaker, as Chairman of the Joint Committee I have risen to state what it is that made the Committee more or less unanimously to adopt the Bill as it was proposed. In the whole discussion to-day there has been a little more sentiment playing rather than the actual position as it is. In fact, the whole country, no doubt, is concerned that there must be uniformity in taxation on the foodstuffs and that the essentials needed by the community are not made very dear. Everybody agrees on that.

As the Constitution now stands, as the Finance Minister rightly pointed out, every State has already passed many Acts of taxation over many items of food-stuffs. Under the Constitution as it is, all those laws that were already passed have absolutely no chance of being modified or amended by the Parliament or by those who are anxious that there should be uniformity of taxation, except that the State itself should come forward to adopt uniformity in the interests of the general public. So far as the laws that have already been passed before the Essential Goods Act was passed by the Parliament are concerned, that is the position. Even afterwards the position is, as the Finance Minister rightly pointed out, that the State when it tries to alter the existing law by increasing the taxation has only to submit it for the approval of

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the President, when, possibly night, some attempt towards uniformity might possibly be attempted. That is the present position.

Then in the light of that position came to Taxation Enquiry Committee's Report. The Taxation Enquiry Commission based their recommendation on the ground that foodstuffs and essential goods must be the sole concern of the States so far as taxation is concerned. No doubt, as Members of Parliament and men interested in Indian public affairs, we are anxious that there should be uniformity. But the question—that is a fundamental thing that everybody should remember—is that we are now living in democracy. Every State is supposed to be subject to the votes of its own people. If a particular State, irrespective of the interests of this uniformity, goes on taxing essential goods and making them dear, it will be impossible for that State to continue in office. That is the democratic principle. Therefore, the States have a responsibility to their own voters and to their own people. The Taxation Enquiry Commission, I should think, with great force said that the States must be given absolute privilege of the taxation so far as things that touch their voters very intimately are concerned. No doubt, we are anxious to have uniformity. But, are we to sit in judgment over every State? Have we that right under the Constitution as it is now? You have not got it. Therefore, if you want to take power to have uniformity in taxation in the whole of India, that means we must amend the Constitution in such a way in the State and the Union lists as it now exists in the Constitution. It is certainly not possible for the Parliament, however high or intense the desire of all of us may be, to do so, until and unless the States by a majority accept that position and agree to it. Under these circumstances—apart from sentiments, arguments based on it—I for one felt and the whole Committee also felt that the proposed provisions should be there especially when already certain laws—inconsistant with uniformity have been imposed. So uniformity is not possible. The Taxation Enquiry Commission wanted to give them absolute powers so far as the essential articles are concerned. The only way to hope for a reasonable level of taxation on these commodities is to entrust this responsibility to the States only and thus give them freedom to raise taxation subject to the possibility of keeping themselves in office with due response to the interest of the voters. That is how the things were viewed.

There is no doubt that it appeals to every one of us that at present, at least from the day when the Essential Goods Act was passed and subsequent to it, the States' power of enacting laws imposing taxation on those items is certainly restricted. There is no doubt about it. But the present law, as we are proposing, restricts that power and practically nullifies the existing powers even in regard to the essential goods also. I do not, for a moment, feel there is any room for doubt that the phrase that we have now used, namely, goods of "special importance" is certainly restricted when compared with the language of the Essential Goods Act. The Finance Minister also pointed out that it was perfectly possible that with the langauge as it is, some other items, other than the six items mentioned by the Taxation Enquiry Commission might possibly be brought in. He also said that he had taken legal advice. I for one think that it is perfectly possible, with the language as it is, that more items can be brought in, quite apart from the fact that the language is capable of attracting many other items also.

Now, a State, in its own jurisdiction, has absolute power to impose taxation on sales etc., even as we are amending the Constitution. Supposing it goes on taxing. The question is, all those who produce those commodities in the particular State are not taxed. Let us take it that the agriculturists produce those foodstuffs which are generally grown by them. The tax that they are going to impose on the Sales in the State, for the sale or purchase of those commodities, arises when the sale or purchase is to take place for the use outside the State. In so far as that aspect is concerned, it is certainly a thing that affects the interests of other States or the residents of the other States. That becomes an inter-State affair. That way, it is perfectly possible to expand the list so that a few more articles other than the six which are already included may be brought in. Those powers are now entirely confined to the Parliament to settle the principles, etc. Though fundamentally there is a change in the existing position in favour of the expansion of powers of the States

and therefore curtailing the general interests of the common people, to my mind the feeling was—and the whole Committee also felt like that—that the suggestions of the Taxation Enquiry Commission as well as the States' responsibility must be so changed by education and by propaganda. All agree to the principle of uniformity in taxation and that can well be done only by education. It is precisely from that point of view that many a Member has appended a minute of dissent to aid and help the Government to bring about this change in the States.

We know that nobody will be willing to forego his own rights and then substitute them or hand over those powers to another. The article in the Constitution was also referred to. This has to be accepted by a majority of the States. If we, sitting as Member of Parliament, make changes in the law which have no chance of being accepted by the majority of the States, it practically means that we are not legislating at all. So, as practical people and knowing the whole situation, the Joint Committee came to the conclusion that the existing condition and the state of affairs are not conducive to uniformity and that the recommendations of the Taxation Enquiry Commission and the powers of the States can only be hoped to be exercised moderately because of the element of responsibility to their voters. So, more powers are now sought to be given to Parliament to settle and lay down principles and those principles, as the clause is now worded, will be stated by Parliament so as to upset or modify or vary any law that is passed or any law that now exists, made before or after the enactment of Essential Goods Control Act thus controlling those provisions and to control those provisions that are yet to come. Only then, we can expect uniformity. As I already said at the beginning, there is no doubt that the field is a bit restricted; we must resign ourselves to the position that this power is certainly rightly conceded to the States and we must expect the States to exercise the powers moderately because of the interests of their own voters as well as the possible curtailment of those powers under the language which we now proposed in this Bill. Under the present language, many items of food articles can well be brought within the purview of this power. That is why the Joint Committee have come to this conclusion.

Mr. Speaker: Pandit Thakur Das Bhargava.

Shri S. S. More: The Members of the Joint Committee are getting preference.

Mr. Speaker: Is that so?

Pandit Thakur Das Bhargava: I was a Member of the Joint Committee and I have appended a note of dissent.

Mr. Speaker: Pandit Thakur Das Bhargava may continue.

Pandit Thakur Das Bhargava: I must refer at this stage to the original intention of the framers of the Constituion. It is not too late to mention it now. Originally, when this Constitution was being framed, we had an article—article 16—in the chapter on fundamental rights and the framers of the Constitution were of the opinion that this was a justiciable fundamental right, —the right of trade, commerce and commerical intercourse in the territory of India. The article said that this would be free, subject to any law made by Parliament. That was the language of article 16 as it originally stood in the Constitution. Along with that article, there were other articles—articles 243, 244 and 245—and ultimately, at the second reading stage, we changed the order and subsequently the present articles 301 to 307 took shape in the place of those articles. If you kindly see those articles, it would appear that even now there are restrictions on the right to put fetters on the freedom of trade, commerce and comcerical intercourse in India. For instance, article 301 in Part XIII says:

> "Subject to the other provisions of this Part, trade, commerce and intercourse throughout the territory of India shall be free."

I would respectfully ask the House to mark the words, "subject to the other provisions of the Part". It is not "subject to article 286". It is subject to the other provisions of this Part, that is, articles 302, 303, 304, etc. These are the three relevant articles.

Now, it is admitted that in the whole of India, trade, commerce and intercourse shall be free. India is one big country and it is not like any one country in Europe where one country can have restrictions on trade from another country. The original conception was that the different parts of India, though divided into territories, were

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still one. The whole country is one unit, and therefore there was no room for any restriction on trade, commerce and intercourse in the territory of India.

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Article 302 says :

> "Parliament may by law impose such restrictions on the freedom of trade, commerce or intercourse between one State and another or within any part of the territory of India as may be required in the public interest."

Therefore, any such law passed by Parliament should be in the public interest ; if there was no public interest involved, even Parliament cannot pass such a law.

Now when we proceed to article 303 we find that even the power of Parliament was taken away by the Constitution in respect of certain matters, because no law could be passed even by Parliament discriminating between one part of the country and another. Similar restrictions were also placed on the powers of the State legislatures, because article 304 says :

> "Notwithstanding anything in article 301 or article 303, the Legislature of a State may by law—
>
> (a) impose on goods imported from other States any tax to which similar goods manufactured or produced in that State are subject, so, however, as not to discriminate between goods so imported and goods so manufactured or produced."

As you proceed further you will also be pleased to see the difference between the powers of Parliament and those of the State legislatures. Though the Parliament has the power to legislate—so far as States were concerned, there was another restriction on them which is expressed thus in article 309—

> "(b) impose such reasonable restrictions on the freedom of trade, commerce or intercourse with or within that State as may be required in the public interest:

That was not all—

> "Provided that no Bill or amendment for the purposes of clause (b) be introduced or moved in the Legislature of a State without the previous sanction of the President."

The original intention of the framers of the Constitution was that so far as possible all trade and commerce and intercourse should be free. So far as State legislatures were concerned, they could only impose certain restrictions which were reasonable, which were justiciable, and that even only with the permission of the Centre. The Taxation Enquiry Commission has now given them full power. But this is opposed to the Constitution. Part XIII is not subject to any other part of the Constitution; this is an independant part. The words are "subject to other provisions of this Part". This is a justiciable right and was included in the list of justiciable rights, but ultimately the order was changed. When these articles were on the anvil in the Constituent Assembly, I had something to say about them. I pointed this out at that time. My speeches will be found at page 1,128 of the proceedings. I do not wish to read them now. I then gave examples as to how it has worked in the different States. I gave an instance relating to Punjab where we produce a large quantity of gram. It so happened that the Central Government and the Punjab Government arranged the matter in such a way that there was plenty of gram in Punjab rotting, while the people of certain famine-stricken areas were actually starving. Yet, gram was not allowed to be transported. We tried our best, but we could not succeed. Ultimately when in Delhi the tongawalas struck work, this was changed and our district sent about 60,000 maunds of gram to the famine-stricken people of Bihar. While the people of Bihar were starving, large quantities of gram were allowed to rot in Punjab.

I can also give one or two other examples as to how trade and commerce in this country suffer on account of the present state of the law. In Delhi sales tax is not imposed at the same rate and on all the articles on which it is imposed in Punjab and the Uttar Pradesh. The result is that a person from Hissar or any other near about place of Punjab comes to Delhi purchases all his goods and takes them to his place. All the trade is centred in Delhi because there is no sales tax here of an equal amount or on all articles. In the nearabout areas trade in certain of the items like paper and coal, for example has almost to a stop. This is the state of uniformity—but this is by the

way. What I was submitting and on which I have sent amendments is different. Article 286 represents only one aspect of the problem about trade, inter-state trade, or intra-State trade. If we really want to make this country one in the real sense of the word, I cannot understand how we can impose different taxes on different people in regard to different articles. The whole country should be subject to the same laws, and the same amount of taxation. According to article 14 which deals with equality of rights I should be subjected to the same amount of taxation, and not a differential kind of taxation. I fail to understand what the purposes of the Bhakra Dam, the D.V.C., the Tungabhadra project and the other multi-purpose projects are going to be if the rest of the country is not going to be benefited by all these. What is the use of calling this one country, when I find gram being sold for Rs. 6 in Punjab and Rs. 42 in Madras and Bengal? I have been saying this for a long time, but my views have been a voice in the wilderness.

If we speak of one country, one nation, we should see that so far as the necessities of life are concerned there should be one rate in the whole of India, providing of course for the variation involved by the cost of transport.

Shri S. S. More: Abolish all the States; that is the only way.

Pandit Thakur Das Bhargava: If you do not want to go to that extent, at least abolish all the differential taxes obtaining in the States.

As was just now pointed out by Shri Vallatharas even the necessaries of life are taxed in Madras. What happened in the Uttar Pradesh? The hon. the Finance Minister was pleased to say that the Central Government gave permission. As a matter of fact he should not have done so. Again he enters into an alliance with the States and comes to us with a *fait accompli*. If you want our opinion, do not say that you have already entered into an agreement with the States. We do not want you should be put into any difficulties now. As a matter of fact, you should have come to Parliament first and ascertained our opinion. I am not agreeable to what you have done in Uttar Pradesh. We incorporated this provision in article 286 only with a view to seeing that so far as the necessaries of life are concerned you should exercise the powers in such a way that the poor people are not taxed. I am in favour of all your schemes. I even go to the extent of agreeing with you and Sir John Matthai for whom I have the greatest respect, that the common man must be taxed. But I am absolutely clear in my mind that I will never agree to the proposition that the necessaries of life of the poor man should be taxed. I doubt whether the Finance Minister or Dr. John Matthai would have seen the difficulties, the miseries and the poverty under which the poor man in my part of the country suffers and which I have seen. I come from a famine-stricken area. Now with the kindness of the Government of India we have got the Bakhra Dam; now the famine will no longer be there. But I have seen the state of affairs in pre-Bhakra days. I know the abject poverty that still prevails in certain areas in Orissa and Gorakhpur. Are you going to tax these poor people?

I do not care for your development schemes. though I am one with you that the second Five Year Plan should succeed. You can no doubt tax the workmen, also who want a 25 per cent. increase in their wages. In the British day we used to repeat that about one-third of the population of our country did not get two square meals a day? Has this state of affairs changed now? Some time back when we were discussing the State Bank Bill we were told by one of the hon. Ministers, a responsible Minister, that in Orissa a person gets about five annas a day; that is his average income. In Punjab it is from 5 annas to 10 annas. Do you want to tax these people. I do not want these development schemes if you want to tax them. My first duty is to see they get two square meals a day. If for every countryman of ours we are not able to ensure two square meals a day, what is the use of all these development schemes?

In all your schemes I find this difficulty. I can understand you can ask people to make sacrifices. Who can make sacrifices? Even a workman, a man who gets a rupee a day you can tax. But those who are getting five annas, or two and a half annas a day in certain parts of Orissa, can you tax them? If you are going to tax them, you are doing a thing to which we cannot possibly agree. This is quite clear.

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So far as uniformity is concerned, the hon. the Finance Minister may give any powers that he likes according to the recommendations of the Taxation Enquiry Commission or the views of Dr. Matthai. He may do what he pleases. But at the same time if he gives up those powers which are meant to protect the poor man, he is not doing the right thing. I am anxious that, so far as article 286(3) is concerned, it should be kept in the Constitution as it is. We do not want to be deprived of the power. The Centre should have the power. You may say anything about provincial autonomy. But I know that the Union Government has got the fullest responsibility to see that the directive principles are respected. I know my country. You want to raise Rs. 450 crores by way of taxes. I do not mind that. We are one with you. You may tax the common man. But I will not go to the extent to which you are pleased to go and tax the bare necessaries of life. That is the only point of difference. I have given notice of certain amendments. I would request you kindly to consider amendment No. 7 very seriously. You take the powers whether the States agree or not. The States will have ultimately to agree. After all, the States depend on you. You are amending the Constitution. Nothing has been settled. It is entirely wrong to suggest that the States will not agree to this. We did not allow this power to the States in the Constitution. Article 286(3) is a recognition of the fact that the States are not free in this matter. We are not free. The powers must be divided in such a manner that the poorest man does not suffer. I am very glad to say that you are the guardian of the poor man. In his opening speech, the hon. Finance Minister expressed views which exactly are his, really his; not of the Finance Minister, but as a human being, as an Indian citizen. What do I find there? When I put the question, he was not saying that he will not include foodgrains. In that he has indicated that so far as he is concerned, he is not opposed to it. I know Shri M. C. Shah is anxious to see that the poor man's interests are protected. I know he would agree to the inclusion of foodgrains, coarse cloth, kerosene, fodder, four or five things. I do not want more. They are not essentials of life; they are necessaries of life. If you will kindly allow, I will read from the Taxation Inquiry Commission's report also. Dr. John Matthai is an economist. At the same time, he is human and humane. When discussing the single-point tax which he favours, he says :

> "The most important exemption, so far as the single-point part of the system is concerned, is foodgrains."

I know that from the bottom of his heart, he does not want to include foodgrains in the articles to be taxed.

I would request you to consider this question from another standpoint. You say articles of special importance except foodgrains. Is it not true that in all parts of India foodgrains is very important so far as inter-State trade is concerned? What hesitation can you have to include foodgrains? The States will follow. You are forcing us to accept this. We are not going to say, no, no, when you say that you are bound by this agreement. We are not going to interfere and say that you should not have this amendment.

Shri C. D. Deshmukh : All I said was that this has to go for ratification to the States under article 368.

Mr. Speaker : If clause (3) is continued as it is, the States' consent is not necessary.

Shri C. D. Deshmukh : That is so; but the States may ratify the rest of the Bill, in which this is included. If it is the agreement with the State that this is the scheme which we shall put forward, they may say, because now the essential goods clause is included here and not dropped as was agreed, we may not ratify it.

Mr. Speaker : After all, even now, under article 286(2), Parliament can impose restrections on taxation. Whatever tax is collected goes only to the States. There is no special advantage except that the Centre can impose the tax, and now, the States could impose the tax. Even if the Centre imposes the tax, it has to be distributed to the States. If they throw out his Bill and clause (3) is retained, the States lose. The Centre does not gain or lose.

Shri C. D. Deshmukh : That is so.

Pandit Thakur Das Bhargava : As a matter of fact, my hon. friend wants to give the liberty to the States. Will he give the same liberty to this House also?

Shri C. D. Deshmukh : I do not understand this question of liberty to this House.

Pandit Thakur Das Bhargava : He said that the States will not agree.

Shri C. D. Deshmukh : The House can pass any piece of legislation it likes. As I said, the States may say that we do not ratify, not because the position is not improved. If they see that the position remains as it is, they will then continue to have the same grievance which they had before arising out of the Essential Goods Act of 1952. You do not settle anything there. You may certainly say that so far as the constitutional position is concerned, we remain where we are and the Parliament has exercised its powers.

Mr. Speaker : You want to carry the States with you.

Shri C. D. Deshmukh : Yes. It is not a constitutional struggle with the States as to competence and so on. We are trying to solve a finanical issue.

Pandit Thakur Das Bhargava : It is quite true that the States may or may not agree. The Finance Minister is so anxious to give this liberty to the States. If he has not brought this argument that he is bound by some agreement with the States, some sort of an understanding, I can assure you that 99 per cent of this House will not agree and will not pass this measure. We will pass his law because the Finance Minister is committed. We will ultimately see that our views are given effect to.

Shri S. S. More : What about the party whip ?

Pandit Thakur Das Bhargava : Let me unravel that point also. There is no question of party whip. So far as the Constitution is concerned, no party whip is binding on any Member.

Mr. Speaker : The hon. Member need not explain all the principles of the party.

Pandit Thakur Das Bhargava : I am not taking up this position. Shri Raghavachari said that the States are responsible and they will see that they do not tax the articles which will put them out of the saddle. May I tell him and the country this much ? Ask 100 people about taxing the necessaries of life. I am sure 99.9 recurring will say, we do not want the necessaries to be taxed. That is the real position. Whatever you may say about the States, what can the States do ? As the Constitution stands at present, the States are powerless. Unless we remove the ban, the States cannot impose any tax so far as inter-State trade is concerned. The States cannot put any tax so far as the other things are concerned. Are we not free to make a law that even in the State of Madras, the necessaries may not be taxed ?

Shri C. D. Deshmukh : We cannot, to the extent to which they are taxing.

Pandit Thakur Das Bhargava : Today you are amending the Constitution as you like. Can we not amend the Constitution as we like ? I want that in the whole of India, the necessaries of life should not be taxed. That is the principle which we had in view.

Shri C. D. Deshmukh : That also has to be ratified.

Mr. Speaker : He want to give retrospective effect to clause (3).

Pandit Thakur Das Bhargava : It is a general rule that when an article of the Constitution is amended, you are at liberty to make any amendment. I have given notice of amendment No. 7 in which I say, apart from other things in respect of the articles of special importance, the Government of India should be invested with power to see that in all the States in India, there should be uniformity of taxation so that the taxation in Madras will be on the same level as in other States. I understand that even if the present amendment is carried out, you will have the power to see that articles of special importance, so far as levy rates and incidence are concerned, you will be able to control. I want to know how you will control. As it is, foodgrains is included. Will you have enough power to see that in Madras also, the levy rates and incidence of the tax are changed and brought into line with the rest of the country ? You are taking this power today. I am not saying anything which is extraordinary. I only want that the whole country should be brought on the same level of taxation. This is your principle also. You have been trying for seven years unsuccessfully on account of the recalcitrance of the States. You convened a conference.

[Pandit Thakur Das Bhargava]

I am only asking you to do what you have been doing. Taking all things as they are, if our views are to be taken into consideration, article 286(3) is not to be changed. Power should be with you to see that in Madras and other places, necessaries of life are not taxed. Secondly, if that is not acceptable if it is absolutely necessary that we should pass this Bill, I would only request the Finance Minister to persuade the States. The States are in the hollow of his hands as the Members of Parliament here. We want to implement the Second Plan. They also want this. They will be powerless. They are more in the hollow of his hand. He can persuade them to agree to include these five or six things which are necessaries of life. Even if he takes away one or two things like salt and kerosene I do not mind, but foodgrains, coarse cloth and fodder at least must be included. I will be satisfied in two ways. It is possible these things will be taxed, but they will not be taxed to such an extent that it would be very difficult for the poor people to live in this land, because the levy rates and other incidents of tax will be in the hands of the Finance Minister of India and not in the States.

So far as the States are concerned. I have got a soft corner for them also. They are in great difficulty. The Centre asks them to bring as much money as they give so that the Five Year Plan may succeed. In that contingency the only course that they have open to them is to tax the poor man. In this country poverty has gone so deep and people are living on the verge of subsistence, sub-human existence, that you should stay your hands at the bare necessities of life and not tax them.

Shri S. S. More : I approach this particular problem from the point of view of the Constitution, but before I go to the point, I should like to bring to your notice that in this Report of the Joint Committee there are some four Notes attached and besides the Notes there are some Minutes of Dissent. Under rule 112 of our Rules of Procedure in the Select Committee's Report there can be Minutes of Dissent, but nothing like Notes. I do not understand under what particular provision these notes have been accepted. These notes are in fact Minutes of Dissent but they are titled as notes while the others are titled as Minutes of Dissent. I cannot understand the distinction between the two, unless some Members out of a sort of delicate sentiment did not like to express their dissent specifically and definitely.

I do welcome this measure. I welcome this measure from a particular point of view. When the Constitution was framed we were in very disturbed conditions and forces of disintegration and disruption were on the ascendant, and so the Constitution makers were keen on having a Constitution which would bring about a sort of uniformity, and to that extent kept the States in a state of tutelage, in a state of subordination to the Central Government. I have not the time to analyse the different articles, but if you go through the different articles you will find that even where power was given to the States, the Central Government or Parliament was given some dominating influence or power with which they could control, or if necessary, interfere with the exercise of the powers by the States. After the Constitution came into operation, six or seven years have elapsed, and now it is a question for us to decide whether this particular structure, with all its implications, of the Constitution should be kept intact or not. My submission is that we must again look into the Constitution, we must again try to find out in the light of our own experiences what changes are necessary. My friend Pandit Thakur Das Bhargava for whom I have got the greatest admiration—I do admire the painstaking manner in which he approaches and studies every Bill—said that the Centre should do its best to evolve uniformity. I can understand and appreciate his sentiment but the basic question is : Does the necessity of uniformity all over the country mean interference with the powers of the States ? If we are undilutedly out for evolving a uniform apparatus of administration, then the only course, and the only honest course left open to us is to abolish the States.

When the Congress was in the Opposition, we were talking about residuary powers being given to the States and only three powers reserved for the Central Government. The moment we came into power article 248 and Entry No. 97 were introduced in this Constitution laying down and breaking what we were preaching when we were in the national struggle, that all residuary powers should be vested in the Centre. Not only the residuary powers. If we study List No. 2 and the relevant provisions, we will

find that everywhere we are imposing so many restrictions. Either the President's assent ought to be obtained for certain measures, or the President's sanction ought to be there, and in many matters Parliament has to lay down the restrictions etc. That means the States are reduced to the position of mere shadows of the Central Government. This is an attempt to keep up the character of a federation in name while you are really running the whole Government as a unitary Government. This is a question of basic importance and let us make up our minds whether we want to have a unitary sort of Government as in England or any other form of Government and whatever the form of Government we want, let us frame our Constitution to suit that form.

I do not want that the Constitution should be amended repeatedly. When Constitution was framed, certain balances were developed, certain checks and counter-checks were evolved for the purpose of giving a sort of balance to the whole system of administration. Now piecemeal we are amending the Constitution. We are removing these checks while the counter-checks remain in the Constitution. We are doing this and that affecting the Constitution in different parts, with the result that the whole Constitution of ours has lost its basic balance, and the whole thing has become extremely unbalanced. Therefore, my submission is that it is time for Government to appoint, as I once suggested, a joint committee of both the Houses to find out what are the necessary amendments, what parts of the Constitution should be removed from it etc., and enact a statute so that the necessity of having changes after passing it will not be there.

I welcome this measure because it is, in effect, a decentralisation measure. Some of my friends like Shri Vallatharas, or even Pandit Thakur Das Bhargava, said this Parliament must have the power of controlling taxation by the States as far as essential articles are concerned. In a way it is correct, but are we going to assume that this Parliament is the only authority which is responsible to the people, is the only authority which can look after the interests of the people effectively and democratically? My submission is if we are tolerating the existence of the States, though in a very crippled form, we must strengthen the States if we want to see that they work democratically and effectively. If a man's income is taxed, he is not touched vitally, but if your food is taxed and my cloth is taxed, the moment we go to the bazar we feel the pinch and we either react to the taxation in a favourable manner or we revolt, and we say: "What is this business? The Government is taxing us. We have sent in all these representatives and they are taxing us". And in a local area with your experience you can say the people aggrieved can more formidably and more immediately come together and voice their opposition if necessary. That is the greatest fact as far as the educative part of the Constitution or democratic framework is concerned. That is the greater power. Let the States decide for themselves whether food should be taxed or not, whether fertilisers and other articles should be taxed or not. Let them give birth to the baby and hold the baby if it is ugly. Therefore, I would say that surrendering the power of Parliament as far as taxation of essential articles is concerned is a welcome change from the point of view of decentralisation. We inject more sense of responsibility and caution into the States because they run the risk.

Take for instance, the sales tax imposed in Uttar Pradesh. Now, Uttar Pradesh is supposed to be the citadel and the home of Panditji and Pant, and a sort of a Congress citadel where nobody can hope to penetrate. All the same, so many bye-elections have been lost by the Congress, because the sales-tax was there. If it was the case of any other tax, the people would not have been able to voice their opposition in a more effective manner and to that extent.

Pandit Thakur Das Bhargava: You want to win bye-elections by this measure.

Shri S. S. More: I believe my hon. friend Pandit Thakur Das Bhargava is a democrat, and whatever he may say, he will allow Opposition parties to win elections by democratic methods. Otherwise, the only alternative will be to force the communists to a bloody revolution. What happened at Kharagpur we have all seen and realised and it is quite possible to magnify it on an all India scale.

Shri B. S. Murthy (Eluru): Are the communists responsible for that?

Shri S. S. More: I do not suggest it, and my hon. friend Shri B. S. Murthy knows it very well that I am not making any such suggestion.

My submission is that so far as this decentralisation of power is concerned, I do welcome it, because that will make the State Governments more responsible.

There is one particular aspect which I want to bring to your notice in this connection, and that is that though at present in all the States one party is in power and the same party is in power at the Centre also, it is quite possible—and nobody should regret it —that after the next general elections, one party may come into power in State A or B, another party may come into power in State C or D, while a third party may come into power at the Centre. What is going to happen in that case?

[MR. DEPUTY-SPEAKER *in the Chair*]

If we retain article 286(3), then every time the State will have to take the assent of the President. The responsibility will be of the States, but in effect the responsibility will be transferred to the President, because nothing could be done without the previous sanction of the President. So there will be a conflict; the party in power in the State will be agitating for certain things, while the President, on the advice of the party in power at the Centre, will be doing just the opposite thing. In order to avoid such a conflict, and to smoothen the way for power being distributed among different parties and groups, so that they can go to the people and sell their wares to the liking of the people, it is necessary that such a decentralisation of power in the case of articles of essential consumption should be there.

Sir, I stand for federation. I want to see that power is decentralised, and the States are made stronger and stronger, and not only the States, but even the local units like *gram panchayats* are given the greatest power. So, I do not like the scheme in our Constitution for distribution of taxes. Why should the Central Government levy taxes and then assign them to the States? This is taking an unnecessary responsibility. The odium of imposing taxes goes to the Central Government, while the use of the moneys so acquired and the benefits thereof go to the States. That is a bad way of doing things. That is not a desirable way of running the Central Government.

Therefore, I would say, let us have a clear-cut division of taxes, namely, taxes which are for the use of States, taxes which are for the use of the local self-governments, taxes which are for the use of the Central Government, and let the Central Government, and the Central Government alone take the responsibility of levying and recovering those taxes which are meant for their use, while let the States pass resolutions saying that they want this tax or that tax, so that people of those States can know that it is not the Central Government who are imposing those taxes, but the State Government, and if they need it or deserve it, they might receive a kick from the electorate.

Therefore, from the point of view of developing a sense of responsibility in the States, from the point of view of carrying conviction to the voters that it is not the Central Government who are responsible in this matter, but it is the State Government directly elected by them who are responsible, and further for the purpose of making them more conscious about their duties as well as responsibilities, let us revise our Constitution and let us come out with a clear cut scheme in which not only will the powers be distributed properly, but the whole resources which we shall get by taxation shall be allotted definitely and precisely to the different taxing agencies.

Unfortunately, the people do not come into the picture when we discuss taxation. We only think of the State Government and the Union Government, but the poor people who are supposed to carry the burden never come into the picture. The poor man has always to carry the load. Not only the Central Government are a taxing authority, not only the State Government are a taxing authority, but over and above these two Governments—though our Constitution does not recognise them —there are units of local self-government, which impose their own taxes, as for instance, the district local boards, the municipalities, the *gram panchayats* and so on, not to speak of the illegal gains by the trading community in the

name of taxes and all that. These five or six taxing authorities go on imposing either direct taxes or indirect taxes.

Take, for instance, the case of a peasant from Punjab. When he takes the foodgrain produced by him to the bazar, the municipality taxes him, the local boards tax him, the *gram panchayat* taxes him and so on. From that point of view, he is the beast of burden who has to carry all the burden imposed by these different authorities. We go in a very gay manner, as far as the imposition of taxes is concerned, but we do not realise the hardship that this man suffers.

In view of the large number of persons who are poverty-stricken, who are living on the starvation level, in view of the large number of peasants who are disorganised, non-organised and colossally illiterate, and therefore are unable effectively to fight these different machines of taxation which suck their blood, in view of the fact that the trading community, though a small community, is vocal and well-organised, can receive all concessions, if taxation, in the name of uniformity, is centered the hands of the Central Government, and it can achieve its object more effectively by approaching a person in the Central citadel, my submission is that if we want real democracy, democracy of the conception of Mahatma Gandhi, then it is time for us to revise our Constitution, to see that the lowest units of administration are rendered strongest, that people get an immediate opportunity to organise and protest against those who are in office and if necessary, in a democratic manner throw out their oppressors who are sitting on the Treasury Benches. For ensuring these things it is very necessary to have proper decentralisation. It may be that today one party may be in power. But I would submit that no Constitution should be viewed from the point of view of the interests of one party. It is the interests of the whole nation, that we have to develop at heart. As we have developed one citizenship, we have to develop one common interest, namely the interest of Indians. The common interest of Indians requires that democracy must be strengthened. The common interest of Indians requires that the man who is most oppressed should get an opportunity to breathe and struggle for his own rights.

From that point of view, I do welcome this measure. Since in a way—I do not know whether the Finance Minister has really brought forward this measure out of a desire to decentralise power, but at least it is a bye-product of this measure—decentralisation is a bye-product of this measure, I welcome this measure to that extent.

Shri Barman (North Bengal—Reserved—Sch. Castes): I have tabled an amendment today. I mention this at this time, just to show that while I wholeheartedly support the amendment to the Constitution that is contemplated, at the same time, I oppose the deletion of clause 3 of article 286.

It has been said, that so far as goods essential to the life of the community are concerned the check lies with the people of the State. Shri Raghavachari, the chairman of the Joint Committee, has drawn our attention to that proposition. My submission is that while the people of the State are powerful and their views are quite sufficient to act as a check against the exercise of power by that State, yet it is no guarantee against exploitation by that State of the people of the other States. Let me give you one example. In India, there are different parts which are suitable for growing different kinds of produce, which are at the same time, essential to the life of the community. Take, for example, sugar. There are certain parts of the country where sugarcane actually grows; there are other parts where it does not grow. Now the State where it grows, in order to augment its revenue, may raise any excise or duty on sugar. Though the people of the State will be equally taxed, they will certainly get it back in some other form. But what about the people of the other States who are only consumers? They will be taxed without getting any reciprocal benefit. The people of the State where sugarcane is grown may consent to raise the excise on sugar to any limit in order to augment the revenue resources of the State.

So, Shri Raghavachari's point of view, though correct in the case of intra-State trade is not correct in the case of inter-State: I have, therefore, made a proposal with regard to essentials of life. It is not that Parliament will try to bring in uniformity; as has already been said, it is not possible unless all the States consent. My proposal

[Shri Barman]

is that so far as foodstuffs and essential supplies are concerned, the States can impose any tax subject to the approval of the President, so that the President or the Central Government may see that the tax proposed by the State is not excessive so far as the people of other States are concerned. Therefore, I have tabled an amendment which I shall move at the proper time.

I want to say a few words as a general proposition. We feel very much that though during the First Five Year Plan our national income has been augmented, actually the expenditure capacity has not been augmented to that extent, and it cannot be. In order that we can proceed with the Second Plan, the surplus income will have to be utilised in capital investment in industry, agriculture and so many other things. It comes to this, that the *per capita* income of the people of the State cannot be appreciably increased, that is to say, they cannot have that extra income which we find in paper calculation coming into use for them. They are the people who are in the lowest rung of the ladder who do not get any benefit out of the surplus income which goes mostly to the industrialists, and also to some extent to the middle class. While those who are the poorest of the poor do not get any extra income, at the same time due to inflation of prices they are much more hard hit.

That being the case, my submission to the Government is that whatever income is necessary, whatever surplus income we may have, whatever taxation we may have to impose upon the people of India so that our future plans may proceed with success, the poorest section of the people should be exempted from taxation. It is this kind of indirect taxation that hits them. Once we allow either the States or the Centre to go on taxing these essentials of life like foodstuffs, coarse cloth, sugar and other things, it falls heavily on the lowest income group who have no capacity for bearing them. They are carrying a bare existence and it falls upon them as an additional burden. That is a state of affairs which cannot be a good augury for any government whatsoever, because, after all, our people do not understand what is happening with the economy of the country, but when they have to bear the burden and when they feel that they are getting into more and more trouble so far as their bare existence is concerned, they certainly understand that what the Government are doing is not to their benefit. That feeling should be avoided by all possible means.

So while considering whether a particular State will consent to or ratify whatever Parliament here does or does not do, we shall have to ensure at the same time that no State should be allowed to incerase any indirect taxation on the very essentials of life. Therefore, my submission is that whatever we may do in other fields so far as essentials of life are concerned, we cannot allow any State to tax any further. So clause (3) of article 286 should be retained in some other form, if not in the present form.

The Finance Minister has said that according to him these foodstuffs etc., are not excluded from the definition given in sub-clause (3) of clause 4. I submit that so far as I read through it, they are exempted. The wording is :

> "Any law of a State shall, in so far as it imposes or authorises the imposition of, a tax on the sale or purchase of goods declared by Parliament by law to be of special importance in inter-State trade or commerce...."

When we are omitting clause (3) of article 286 and changing the wording to 'goods of special importance to inter-State trade or commerce', I doubt very much whether the interpretation will be that this Parliament has specifically not excluded the words that were in the Constitution itself. So far as the definition in sub-clause (3) of clause 4 is concerned, it relates only to goods or articles that are necessary for the purpose of inter-State trade or commerce. Suppose there is a steel plant in one State and the raw materials come from another State, and if the latter State imposes a tax on those raw materials; then this provision will apply. But so far as goods essential to the life of the community are concerned, such as foodstuffs, when you have specifically excluded them by the change of wording, which at present exists in the body of the Constitution, I very much doubt whether the interpretation will be that this Parliament has not excluded foodstuffs etc., from the definition given in sub-clause (3) of clause 4.

श्री बंसल : मुझे बहुत इस विधेयक पर कहना नहीं है क्योंकि जब पहले यह प्रस्ताव इस सदन के सामने आया था तब जो कुछ मुझे कहना था वह मैं ने कह दिया था। मुझे अफसोस इस बात का है कि बावजूद इसके कि इस सारे सदन में हर एक तरफ से यह आवाज उठी है कि यह विधेयक अच्छा नहीं है फिर भी सेलेक्ट कमेटी (प्रवर समिति) ने इस को उसी रूप में एडाप्ट (स्वीकार) करके वापिस भेजा है। इसमें इतने ज्यादा मिनिट आफ डिसेंट (विमति टिप्पण) हैं और यहां जितनी भी तकरीरें हुई हैं, उनसे तो यही मालूम पड़ता है कि यहा इस सदन में कुछ भी कहें, सरकार के ऊपर इसका कुछ भी असर नहीं होता।

उपाध्यक्ष महोदय, यह सेल्स टैक्स (बिक्री कर) का मसला ऐसा पेचीदा मसला रहा है और एक ऐसी उथलपुथल व्यापार में मचाई है कि बहुत दीनों से लोग आशा लगाये बैठे थे कि कभी न कभी तो सरकार के कान पर जूं रेंगेगी और सेल्स टैक्स में जो गड़बड़ियां हमारे देश में होती आई हैं, वे ठीक होंगीं, आशा थी कि यह जो टैक्सेशन इनक्वायरी कमिशन (कर जांच आयोग) बना था उसकी रिपोर्ट आने के बाद सरकार यहां पर एक ऐसा विधेयक लायेगी जिससे कुछ न कुछ सुविधायें सेल्स टैक्स के बारे में लोगों को मिलेंगीं, उनके लिये बहुत दिन इंतजार किया मगर लगता ऐसा है कि खोदा पहाड़ और निकला एक छछूंदर...

एक माननीय सदस्य : चूहा।

श्री बंसल : चूहा नहीं छछूंदर निकला।

उपाध्यक्ष महोदय : चुहिया तो हमेशा निकलती है, इस वक्त छछूंदर निकला है।

श्री बंसल : मैं ने छछंदर जान बूझ कर कहा है क्योंकि चूहा बहुत ज्यादा नुक़सान नहीं करता है लेकिन छछूंदर काफी नुक़सान पहुंचाता है और यह इस बात से साफ जाहिर हो जाता है कि किसी तरफ से भी चाहे इस तरफ या उस तरफ से किसी ने भी इस सेलेक्ट कमेटी की रिपोर्ट का समर्थन आज इस सदन में नहीं किया...

श्री नंद लाल शर्मा (सीकर) : करना भी तो नहीं चाहिये।

श्री बंसल : और समर्थन क्यों नहीं किया उसकी वजह मैं आपको बतलाना चाहता हूं। पहले तो हमने जो एक बड़ी अच्छी हमारे कांस्टीट्यूशन में २८६ (३) धारा थी कि इस सदन को इस बात का हक होगा कि वह एक लिस्ट ऐसी चीजों की बनाये जिसके कि ऊपर हमारे देश के रहने वालों का जीवन निर्भर हो और उन चीजों के उपर जो प्रान्तीय सरकारों का टैक्स लगाने का हक़ है वह किसी हद तक सीमित कर दिया जाय, उसको हम आज हटा रहे हैं। हमारे वित्त मंत्री महोदय ने कहा कि उसको हटाया इसलिये जा रहा है कि उसके मातहत जो हमने यहां विधेयक पास किया था उससे कोई विशेष असर हमारे सेल्स टैक्स के ऊपर नहीं पडा। उन्होंने बताया कि प्रान्तीय सरकारों ने जो टैक्स इस कांस्टीट्यूशन (संविधान) से पहले लगाये हुये थे, उनको वैसा का वैसा बनाये रक्खा। उन्होंने यह भी बताया कि प्रान्तीय सरकारों को इस कांस्टीट्यूशन (संविधान) के मातहत यह हक़ है कि वह उस पर टैक्स लगायें और अगर पार्लियामेंट का हक़ सिर्फ इतना है कि उस सेल्स टैक्स को सीमित कर दिया जाय तो मैं उनसे यह पूछना चाहता हूं कि क्यों उन्होंने ऐसा विधेयक इस सदन के सामने नहीं रक्खा कि उससे जो भी विधेयक हम इस सदन में पास करते उसको रिट्रोस्पैक्टिव एफैक्ट (भूतलक्षी प्रभाव) मिलता? दूसरी बात मैं उनसे यह पूछना चाहता हूं कि जब आज वह २८६(३) धारा का एक अमेंडमेंट ला रहे हैं, तो उसमें भी तो वही बात आने वाली है। उसमें से जो एसेंशिएलिटी (आवश्यकता) का क्राइटेरियन था उसको अब बदल कर वह items of importance for inter-State trade (अन्तर्राज्यीय व्यापार के लिये महत्व के मद) से बदल रहे हैं मगर मैं यह पूछना चाहता हूं कि क्या आज बहुत सी ऐसी चीजें प्रान्तीय सरकारों की सेल्स टैक्स की लिस्ट (सूचि) में नहीं है जो कि अब इस तीसरी धारा के मुताबिक important for the commerce and trade of the various States (विभिन्न राज्यों के वाणिज्य और व्यापार के लिये महत्व पूर्ण) हो जायेंगी। क्या आज भी कोयले पर, जूट पर या ऐसी चीजों पर सेल्स टैक्स बहुत सी प्रान्तीय सरकारें ले रही हैं। और अगर वे ले रहीं है तो क्या हम जब एक दूसरा विधेयक इस कांस्टीट्यूशन के अमेंडमेंट (संशोधन) के बाद यहां लायेंगे तो क्या उन सरकारों को सेल्स टैक्स उसी तरीके से रखने का हक़ नहीं रहेगा, क्योंकि यह जो यह २८६ की (३) अमेंडमेंट धारा है और जो कि हमारे कांस्टीट्यूशन में है उसक भाषा में कोई अंतर नहीं देखता। अगर आज कल जो हमारें कांस्टीट्यूशन में २८६ (३)

[श्री बंसल]

धारा है, उसके मातहत हम रिस्ट्रोस्पैक्टिव एफैक्ट नहीं दे सकते तो मेरा यह कहना है कि अब जो संशोधित धारा है उसके मुताबिक भी रिट्रोस्पैक्टिव एफैक्ट हम नहीं दे सकेंगे तो मेरी समझ में नहीं आता कि वित्त मंत्री ने जो आज एक लम्बी चौड़ी दलील दी उसके क्या मानी हैं ? फिर असल बात तो यह है कि इस सदन में एक राय इस बात की है कि जो भी ऐसी चीजें हों जिनको कि जरूरी समझा जाय अवाम या जनता के जीवन के लिये, उन पर एक बहुत बेतरतीब सेल्स टैक्स हमारे देश में न हो, उसके लिये क्या संविधान बनाने वालों ने किया, उसके बारे में पंडित ठाकुर दास भार्गव ने बहुत अच्छे तरीके से बताया है और उसके ऊपर मैं नहीं जाना चाहता । मैं तो सिर्फ यह कहना चाहता हूं कि यह जो संशोधन कांस्टीट्यूशन में लाया गया है, यह इस बात का प्रतीक है कि हमारी सरकार ने सेल्स टैक्स के मामले में जो अनरिस्पौंसिवनेस दिखाई है, वह एक ऐसी चीज है जिसकी कि मुझे कम से कम आशा नहीं थी । मैं इस सेल्स टैक्स के मसले को पिछले दस सालों से बहुत गौर से देख रहा हूं और यह एक ऐसा मसला है जिसमें कि छोटा दुकानदार, हमारी जनता का वह हिस्सा जिसकी कि एक काश्तकार के बाद सबसे बड़ी संख्या है, आज इससे हाय हाय कर रहा है, उसकी जो आज तकलीफें हैं उनमें मैं इस संशोधन से कोई फर्क होते नहीं देखता और वह फर्क क्यों नहीं हुआ मैं उसकी भी वजह बताना चाहता हूं । जब यह कमिशन बना तो इस कमिशन में सेल्स टैक्स का जो मामला देखने वाले थे, वह एक बड़े अर्थ शास्त्री थे और मैं भी एक दूसरे मामले में उनकी सामने गया था, तो मैं ने तो उसी वक्त देख लिया कि जिस प्रकार यह कमिशन सेल्स टैक्स के मसले को चला रहा था है और उस पर विचार कर रहा है, उससे इसमें कोई फर्क नहीं आने वाला है क्योंकि उन्होंने जो एक मामूली दुकानदार बाजार में बैठे करके अपनी रोजी कमाता है उसकी बात को सुनने से इंकार कीया और उसमें एक बड़ा थ्योरैटिकल एकोनामिस्ट (बौद्धिक अर्थशास्त्री) का प्वांइट आफ व्यू (दृष्टिकोण) ले आये और आज भी वित्त मंत्री ने कहा कि जो टैक्सेशन इनक्वायरी कमिशन की रिपोर्ट थी, उस पर जो एकोनामिस्ट का पैनेल था उन्होने यह राय जाहिर की है कि कमिशन की राय बहुत अच्छी राय है और उसे सरकार को मान लेना चाहिये । मैं यह जानना चाहता हूं कि क्या कभी वित्त मंत्री महोदय ने जो बाजार में बैठ करके दुकानदारी करता है क्या कभी उससे भी पूछा है कि इस में क्या संशोधन किया जाना चाहिये ? मैं इस सदन के सामने बड़े जोर से कहना चाहता हूं कि कोई भी इस बात से गुरेज नहीं करता कि सरकार का सेल्स टैक्स से पूरा पूरा टैक्स मिलना चाहिये, जितना ज्यादा से ज्यादा टैक्स हमें जमा करना है और जितना रुपया सेल्स टैक्स से मिलना चाहिये, वह मिले वगैर इवैज़न के और जो यह छोटे छोटे दुकानदार या उनके चैम्बर्स हैं, उन्होंने एक मत होकर और एक राय से कहा है कि हम सरकार को वह तरीका बताने को तैयार हैं जिससे कि उनको जितना वह सेल्स टैक्स लगाना चाहते हैं, वह पूरा पूरा मिल सके, मगर उनकी बात कभी नहीं मानी गयी और उनकी कभी सुनवाई नहीं हुई और सुनवाई इस मामले में उन लोगों की हुई है जिनको कि सेल्स टैक्स का क्या असर का क्या असर पड़ता है, उसके बारे में कुछ मालूमात नहीं है । यह मैं बहुत साफ तौर से कहना चाहता हूं और मैं ने पहल भी अपने भाषण में एक बात कही थी कि यह जो संशोधन आप कर रहे हैं उससे एक दूसरा असर यह पड़ेगा कि यह जो तकलीफ डिस्ट्रिब्यूशन सेंटर्स (वितरण केन्द्र) की थी, जैसे मैंने बतलाया दिल्ली या और बड़े शहर जो कि दूसरे प्रदेशों से एक मुश्त थोक में सामान मंगा कर दूसरे इलाकों को बांटते हैं, वितरण करते हैं, उनको इस संशोधन के बावजूद भी दुबारा टैक्स देना पड़ेगा । बात तो असल में यह थी कि यह जो बारबार इंटरस्टेट व्यापार में टैक्स देना पड़ता है वह कम किया जाता मगर हम देखते क्या हैं कि ऐसा करने के लिये इसमें कोई भी चीज नहीं रक्खी गई है और बावजूद इसके कि हम यह संशोधन ला रहे हैं, दिल्ली शहर वालों को बारबार फिर भी टैक्स देना पड़ेगा । एक बार तो तब देना पड़ेगा जब वह दिल्ली शहर से यहां सामान मंगायेंगे और दूसरी बार तब टैक्स देना पड़ेगा जब दूसरे शहरों में उस सामान को फिर से बेचेंगे । इसके बारे में मैं चाहता हूं कि वित्त मंत्री कुछ ध्यान दें । मुझे अफसोस है कि उस दिन वह सदन में नहीं थे और अगर वे होते तो वह उस चीज पर जरूर गौर करते और कुछ न कुछ उसका हल निकालते । वह यह कहेंग कि इस संशोधन के बाद एक दूसरा विधेयक हमारे सदन के सामने आयेगा जिसके अनुसार

सेल्स टैक्स के बारे में जो कुछ हम करना चाहते हैं वह शायद हो सकेगा, मगर मेरा यह खयाल है कि इस संशोधन के पास करने के बाद उनके हाथ बंध जायेंगे और जो टैक्सेशन इनक्वायरी कमिशन की रिपोर्ट है कि हर एक इंटरस्टेट (अन्तर्राज्यीय व्यापार) में एक काफी फीसदी तक टैक्स लगना चाहिये, उसको वह नहीं कर पायेंगे और वह टैक्स लगाना पड़ेगा जिसका कि नतीजा यह होगा कि अगर कोई सामान इंटरस्टेट में आता है और वह बार बार वहां से आये और फिर उसको निकाला जाय तो उस पर एक फीसदी टैक्स हुआ करेगा और वह बार बार लगेगा। इस के बाद मैं समझता हूं कि ऐसा ही होगा और उस से बचने का वित्त मंत्री को कोई रास्ता नहीं मिलेगा।

2 P.M.

एक बात मैं ने कही थी, जिसको मैं दोहराना ठीक समझता हूं, कि मैं ने वित्त मंत्रियों की मीटिंगों में चर्चा सुनी कि सरकार इस बात पर गौर कर रही है कि बहुत सी चीजों पर शायद एक्साइज ड्यूटी लगा दी जाय, बजाय इसके कि वह सेल्स टैक्स से बंधी रहें। इस दिन शाह साहब ने बताया था कि सरकार इस पर गौर कर रही है। मैं जानना चाहता हूं कि अगर सरकार इस विषय पर गौर कर रही है तो कौन कौन सी चीजें ऐसी होंगी जिन पर सेल्स टैक्स न लगकर एक्साइज ड्यूटी लगेगी, और अगर वह लगेगी तो उस की दर क्या होगी, और क्या वित्त मंत्री उस के लिये सदन में कोई नया विधेयक लायेंगे या कोई दूसरा कदम उठायेंगे। मैं आशा करता हूं कि वित्त मंत्री इसके बारे में भी कुछ रोशनी डालेंगे।

मुझे सिर्फ एक बात और कहनी है, और वह यह कि टैक्सेशन एन्क्वायरी कमिशन की रिपोर्ट के मुताबिक ६ चीजें ऐसी समझी गई हैं जो कि इन्टरस्टेट ट्रैन्जेक्शंस के लिहाज से इम्पार्टेंट समझी जायेंगी। उन्होंने अभी यह बताया कि यह मुमकिन हो सकता है कि सदन इस बात को सोचे कि खाने पीने की चीजें भी इस में मिला ली जायें। ठीक है, शायद वह खान पीने की चीजें इस में मिला लें, मगर सिर्फ इस लिस्ट में उन चीजों को जोड़ लेनें से, और जब नया विधेयक आयेगा उसमें उनको शामिल कर लेने से, आज कल प्रान्तीय सरकारों ने उन चीजों पर जो सेल्स टैक्स लगा रक्खा है उन का क्या होगा? मैं इस संशोधन में कोई ऐसी चीज नहीं देखता कि इस को रिट्रास्पेक्टिव एफक्ट मिलेगा। इस की भाषा, जैसा मैं ने पहले कहा, वैसी ही है जैसी कि २८६ की तीसरी धारा की, और अगर इसमें कोई फर्क है तो मैं चाहूंगा कि वित्त मंत्री मुझे बतायें कि किस धारा के मुताबिक वह इस चीज को रिट्रास्पेक्टिव एफेक्ट दे सकते हैं?

इतना कहने के बाद मैं फिर दोहराना चाहता हूं कि यह एक ऐसा बिल आया है जिस ने कि, देश में जितनी आशायें बंधी थीं कि कांस्टिट्यूशन में एक संशोधन आयेगा, उन पर पानी फेर दिया है। मैं इस का स्वागत हर्गिज नहीं कर सकता और मुझे आशा है कि वित्त मंत्री इस बात को सोचेंगे और इस बातकी कोशिश करेंगे कि राज्यों की सरकारों को फिर से लिखें और इस मामले पर उन से फिर से चर्चा करें, और हो सकें तो जल्दी से एक दूसरा संशोधन सदन के सामने रक्खें।

Shri C. C. Shah: This is a very important amendment to the Constitution. The sales tax is one of the most important sources of revenue for almost all the States now, and particularly so for the major States, and it will be a still more important source of revenue for the Second Five Year Plan. It is, therefore, desirable that we precisely understand the effect of this amendment.

The last speaker stated as if the whole of this Bill was unacceptable to this House or the country. I think that is entirely a wrong impression to create in the country. The only controversy that has arisen has centered round sub-clause (3), about which I shall presently say a few words. But this amendment, as a whole, is a good improvement on the existing situation as prevails under article 286. The two improvements which this amendment makes are these. The sales tax is essentially under entry 54 within the jurisdiction of the States, and it was intended that it should be the States which should levy the tax subject only to the restrictions which are imposed by article 286. Those restrictions have created certain difficulties, and the intention of the present amendment is to remove those difficulties as far as it is possible to remove them. The intention of the amendment is not to discuss the incidence of the tax, or the nature of the tax, or the nature of the administration which should be made for the levy of the tax and so on. That is entirely a different subject. The objects

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of this amendment is to decide who shall be entitled to levy the tax, whether the State or the Centre. So far as this Bill is concerned, the one great change which it makes is that so far as inter-State sales are concerned, which are untaxed so far, they will now be within the jurisdiction of the Centre and can be taxed only by the Centre. That I submit, is a great improvement upon the existing situation because of the difficulties which have been created by reason of the explanation to sub-clause (1), read with sub-clause (2). Even though more than six years have elapsed, Parliament has not been able to pass a legislation which will empower the States to levy an inter-State sales tax, because it will be very difficult to define or decide what an inter-State sale is. We would be compelled to give extra-territorial jurisdiction to the States if we permit them to levy inter-State sales tax. In order to remove the difficulty created by recent cases, the Centre takes over all the jurisdiction regarding the tax on inter-State sales. That is one great improvement on the existing situation.

Secondly, difficulties have arisen in defining where a sale takes place and in defining the exact limits of the jurisdiction between the Centre and the State. It is now well known that we cannot merely define a sale by reference to the Sale of Goods Act or the Contract Act, because for the purposes of sales tax, the elements which should go into the taxation are entirely different from the elements which go to make up a sale under the Sale of Goods Act or the Contract Act. Therefore, the Parliament takes the power to define the principles by which a sale shall be held to have taken place in the course of inter-State trade or commerce or in any of the ways mentioned in sub-clause (1), namely, outside the State or in the course of import and export. That again, I submit, is a great improvement on the existing situation.

The only controversy that has centered is round sub-clause (3). The existing sub-clause (3) retains certain Central control over the power of the States to tax intra-State sales of goods essential for the life of the community. That power is being now restricted. The Taxation Enquiry Commission appears to have gone on the principle that except to the extent where a tax of a State impinges upon the consumer of another State, the State taxing the sale shall have full freedom and jurisdiction to tax all intra-State sales, except articles of special importance. It has extended the principle also to goods of necessities of life. I agree that it would be much better if the Central control which exists today is retained. The Finance Minister, no doubt, has rightly pointed out that the Central control is not very effective. The argument is also true that the State Legislatures can be relied upon to see that that excessive taxation is not levied upon the necessities of life. In spite of that, the framers of the Constitution, even when they framed article 286, thought it necessary that some Central control should be retained for taxation by the State over the necessities of life. It would be much better, considering the feelings of the House, if the Finance Minister can still see his way to retain the wording of the original sub-clause (3), namely, instead of the words "of special importance in inter-State trade or commerce" to retain the words "essential for the life of the community". No doubt, there are difficulties as rightly pointed out by the Finance Minister, because that has no restrospective effect, and the list of goods which we have given in the Essential Goods Act is neither rational nor logical. The States are certainly entitled to say that you cannot restrict their right to tax articles which bring them revenue. I do not subscribe to the view that the common man should not be taxed or that the necessities of life should not be taxed at all. Even under the existing sub-clause (3), the States have the power to tax subject to the assent of the President. If we are to raise revenues which we need for the developmental expenditure or for social welfare activities, the common man will have to be taxed and even the necessities of life will have to be taxed, no doubt, to the extent that he can bear or it is possible to tax these things. It should be the common endeavour of the Centre and the States to co-operate and see that that tax on the necessities of life neither excessive and is of uniform character. Sub-clause (3) is not that those commodities should not be taxed at all by the States ; it is to see that a degree of uniformity in the tax on the necessities of life is retained by the States and also to see that there is no excessive taxation of such things. In view of the assurance which the Finance Minister has given, that he will bring to the notice

of the States the strength of the feeling of the House, the Centre should use its good offices to remove the hardships of the sales-tax legislation and the administration of sales-tax in the States.

The Taxation Enquiry Commission in chapter V of Volume III has pointed out the numerous difficulties which have arisen in the administration of sales-tax laws in the States and apart from the legislative powers of the Centre, it has to do a great deal to see that the legislation and its administration in the States cause the least hardship to the dealers and consumers. In that connection, the Commission has suggested several remedies and I am quite sure that the Central Government will take immediate steps to see that the suggestions which have been made by it are implemented by the States without delay. It has suggested, for instance, the Sales-tax Advisory Committees in all the States in order to advise States both on legislation as well as administration. It has also advised the appointment of the Inter-State Taxation Council to bring about a degree of uniformity in legislation and administration. These are measures which the Centre has to take. It should use its good offices to see that the States bring about these reforms which are necessary to mitigate the hardship which the administration of sales-tax may bring about.

This is a welcome measure except for the controversy which has centered upon sub-clause 3 and this measure will bring some uniformity in the chaotic conditions which at present prevails. I will make two other suggestions. This Bill contemplates subsequent legislation by Parliament.

It contemplates the definition of the principles to decide whether a sale is an inter-State sale or not. It is to be determined where a sale takes place in the case of inter-State trade and commerce and when the sale takes place in any of the ways mentioned in sub-clause (1) and also what the goods of special importance are. I would request that all these three pieces of legislation be brought without delay and if possible, during the life of this Parliament.

So far as defining the principles is concerned, these things have been put at two places, namely in article 269 as well as 286. I hope there will be only one piece of legislation defining the principles both as to the sales which take place in the course of the inter-State sale and commerce and also the priniciples defining when such sales take place in any of the ways under sub-clause (1). There may be one legislation.

Pandit Thakur Das Bhargava: The principles may not be the same.

Shri C. C. Shah: In fact we could have added in sub-clause (2) of article 286 the words 'or, in the course of inter-State trade or commerce' so that there could be only one legislation.

The second thing which I would suggest is that so far the sales-tax legislation in the States is concerned, the uniformity which we think of is almost impossible of achievement. It should be possible for the Centre to see that so far as the necessities of life are concerned, there is a certain degree of uniformity. Subject to these suggestions, this Bill is a welcome measure.

Shri Mohiuddin: The Constitution (Tenth) Amendment Bill which we are considering today is of very great importance for the future freedom of trade and commerce in the country as a whole. The original intention of the Constiution-makers, as was rightly pointed out by Pandit Bhargava, was that there should not be any restriction whatsoever on the free movement of goods from one part of the country to the other. That principle which is of great importance should be accepted without any reservation.

The amendment that we are considering falls into two parts : the power of the State to levy the sales-tax and the power of the Centre in this connection. The discussion that has taken place so far unfortunately has turned round whether the necessities of life, the essential goods, should be taxed or not. That is not the important point on which this amendment is based. We are simply considering here : what is the scope of the Centre in the inter-State transactions of trade and commerce and what is the scope of the States to levy sales-tax within their areas.

Sub-clause (3) which has formed the focus of the controversy has been extremely ineffective on account of two reasons. Before the Constitution was enforced, there was already a tax on

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goods of essential importance in various States. Since the Essential Goods Act came into force in 1952, more and more articles of essentiality have been taxed. We have not heard so far that any proposal by the State to tax an essential commodity or a commodity of exceptional importance was refused by the President. That being the case, the principle laid down in the Bill and the principle which the Taxation Enquiry Commission has recommended that the States should be responsible for the levy of tax within their own jurisdiction, should be fully accepted. The Taxation Enquiry Commission has said :

> "on the other hand, all sales of goods could be both usefully and effectively divided into:
>
> (a) those in the course of inter-State trade, and
>
> (b) those not in the course of such trade and commerce."

This is an important division of trade and commerce which the Taxation Enquiry Commission has recommended for acceptance. As far as those articles which do not enter into inter-State trade are concerned, the States must have full right to tax within their own jurisdiction. The State Governments are also democratic governments. They have also been set up on the principle of election by the entire population. Therefore, they should know their responsibility as to which tax should be levied and which should not be levied ; which tax will impinge more on the poor man and which will not. So I fully agree with the proposal that those taxes which are confined within the State must be fully within the jurisdiction of the State Governments and there should be no interference by the Centre. Whether a tax affects the poor man or the rich man is their responsibility. Let them face their own electorate.

The other thing is about inter-State trade and commerce. The responsibility for this has been placed on the Centre. But unfortunately, the Taxation Enquiry Commission have again divided the inter-State trade and commerce into two groups : one group of articles which are of importance in the inter-State trade and the other group of articles which are not of importance in the inter-State trade. I do not know what is the basis of such a division of important articles and the articles which are not of importance. On page 55, Volume III of the Report of the Taxation Enquiry Commission, it is said :

> "It is at the same time imperative that such control over intra-State items of taxation should be strictly confined to a very small number of well-defined commodities of special significance for inter-State trade. Broadly speaking, no commodity should be selected in this context which does not combine the following characteristics :"

Then they have given three characteristics which are the basis for declaring articles as of special importance in inter-State trade. To divide articles of inter-State trade between those of importance and those which are not of importance, would again cause confusion. I am sure this will lead to very great confusion in the future. I suggest that all commodities which are exported from one State to another whether they are of importance or not, should be controlled by the Centre. Whether it is foodgrains, pulses, cotton, jute or petrol, any article that goes out of the State to another State must be free or should have uniform rate of tax. That will bring about a general uniformity in the sales tax all over the country. It will create an atmosphere of free movement of trade from one part of the country to the other and there should not be any great difficulty in controlling the sales tax by the Centre on all commodities that enter into inter-State trade.

I know that this proposal which I have made, that all commodities whether they are of importance or not should be controlled by the Centre, may require some organisation. It will require, so to say, an inter-State Commerce Commission to be appointed and it will be of certain importance for the future of the whole country. Therefore I recommend that the provision in the Bill with regard to articles of special importance should be dropped and it should be provided that all articles that enter into inter-State trade will be the concern of the Central Government.

Shrimati Tarkeshwari Sinha (Patna East): The Bill, as it is before the Sabha, is a welcome measure because it has tried to remove one of the biggest lacuna in the working of the sales tax in this country. We all know the sales tax all along had a very chequered

career, because, unlike the income-tax the sales tax has to be recovered by the dealer. He has to recover it from his buyer and, he recovers the tax at a particular time but the assessment is made later on. This is one of the reasons why the working of the sales tax has not been so satisfactory in this country.

Secondly, with all the States having different legislations on this subject, each having different schedules, rules and regulations, the confusion gets worse confounded in regard to the real interpretation, as to whether, and if so which category, any particular item falls for ascertaining the tax. Therefore, by imposing central supervision on inter-State trade of important commodities, this Bill has tried to remove one of the biggest bottle-necks in the history of taxation on sales tax.

But I am bound to say that this Bill has only tried to touch the fringe of the whole problem and it has not gone to the entire question of the working of the sales tax which needs to be thoroughly overhauled ; no doubt about that. There are some points of. vital importance that need to be considered, one of them being how to minimise corruption in the sales tax and, secondly, how to obtain the maximum revenue with the least effort and with maxmum elasticity.

The Taxation Enquiry Commission, Report of which many Members have made reference, did make certain recommendations and one of them was that the Centre should take upon its own shoulders the responsibility of regulating the inter-State trade. It is very good news that the Government has taken this note of the Taxation Enquiry Commission very seriously and has come forward with a Bill to remove the biggest lacuna by taking the responsibilty of having central control over inter-State sales tax.

But, all the same, there are many other vital issues very conflicting in nature and unless and until we do something about them, either by bringing forward another Bill in this House or in any way that the Government thinks fit, I do not think this system of sales tax is going to be worked out very satisfactorily in this country. And because sales tax being one of the most important items of taxation in future also, because there is vast scope for this tax if we know how to handle it properly, I would appeal to the hon. Minister to think in this term and try to find out what are the lacunae and how they can be removed, either in the shape of a future Bill or by seeking coordination of different States on this issue. There is need for different States to work closer together in the work of taxation, because taxation is one of the most important proposals in our second Five Year Plan and it is one of the biggest items. So, I would like the Finance Minister to think in the terms of a National Taxation Council which can work for the whole Plan and for the whole country towards economic development. I would like the Finance Minister to think whether a Taxation council of the pattern of the National Development Council could be formed in which all the representatives of the States can come together, sit and find out certain solutions for these things. Sir, among the forms of taxation, sales tax is one of the most important items of controversy between different States. I would, therefore, appeal to the Finance Minister to think in this term and find out whether this propsopal of mine has a little practical value or not.

The hon. Member who preceded me said that the suggestion of the Taxation Enquiry Commission regarding the inter-State taxation council should have been taken into consideration. I was myself very surprised when this Bill was placed before Parliament as to why the Finance Minister did not take that issue also into consideration. He could have included a clause concerning that suggestion in this particular Bill, because I think the seeking of uniformity between the different States in regard to inter-State tax is very, very important. Therefore, I think that the provision of an inter-State taxation council should have been made in the Bill itself. But it has not been done. But still there are chances for doing so. I think that the Finance Minister should in future bring an amendment to this effect. I do not know whether he has got power or not to form a council without bringing in an amendment, because I am not a legal judge on this issue. Yet, I would appeal to him that he should immediately take up the question of an inter-State taxation council in which the representatives of the different States and also of trade could be associated. I say with emphasis, Sir,

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that representatives of the trade must also be invited to joint such a council.

Secondly, I am of the opinion that the Finance Minister can advise the different State Governments to issue compulsory cash memos, but with this difference or exception, that separate mention of the sales-tax should not be made in the cash bill. When cash memos may be made compulsory, it means compulsory billing may be advised upon. What we find at present is, the amount of sales-tax is mentioned in the bill separately, and it creates a bad psychological effect on the part of the buyer because he feels that this amount of tax has to be paid. On the other hand, if that amount is included in the cash memo or in the collection of the cash price itself, I do not think it will be very difficult for the buyers to pay it. People will not be then very touchy about paying the sales-tax.

My friend on my right referred to the point regarding taxing of the poor. The poor man feels that he is taxed when he buys anything. If he does not know that he is taxed, then that pinch may not be there, I know that he may be affected in the long run in his budget provisions, but that pinch is not there when he does not feel it. Whether it is one pie or two pies more for the article that he buys, he may not mind it, but when that amount comes in the form of a tax, the difficulty arises. Therefore, it is my submission that the State Governments should also be advised to provide for compulsory billing but not separately mention the sales-tax in the memo.

Coming to the Bill itself, though it authorises Parliament to impose taxes on goods of special importance in the inter-State trade, it has not laid down the exact procedure. I have gone through the Bill but it does not satisfy me. How the tax would be collected by the Centre, what would be the basis of distribution between the Centre and the States, whether the Centre will collect the tax and distribute the whole amount among the different States, what will be the procedure—all these are not clear and I would like to have a clarification about them.

Then, also what will be the rate of imposition of the tax? The Finance Minister may say that it is a secret. It may be a secret. But at least we must have some basis or some idea about the standard rate of the sales-tax that will be levied by the Central Government. How are they going to provide for it? Suppose a dealer in Bihar deals with some commodity and he may be dealing with the same commodity in Bengal also. How is the Finance Minister going to deal with these persons,—the same dealers having registration in both the States and paying sales-tax in both the States? How are such dealers to be dealt with by the imposition of this control by the Centre? I would ask for a little clarification about this point also. Though it is a very small point, it has cast certain doubts in my mind. I am not very clear about them and so I request the Finance Minister to give a clarification.

Then there is another thing. Suppose, you charge sales-tax on a particular commodity in respect of a person who exports something from Bihar to Bengal. For example, in Bihar there is a certain rate of sales-tax being levied on the local sales. How will that compare with the tax levied by the Centre. How will that tax affect the dealer who has to pay the tax in the category of inter-State tax? What I mean to ask is, whether there will be uniformity between the rate of tax levied by the Centre and the rate paid by the dealer in exporting State, for local sales. I think I have made the point clear.

There is yet another point on which I need a clarification. For example, there are specified goods of special importance that come under the category of inter-State trade. I want to ask whether for those goods there will be only a single-point tax at the last stage or at the first stage. That is a very important point indeed, because, now we have two systems—a multi-point tax system and a single-point tax system where the tax is paid at the last stage. So, I want to ask the Finance Minister what will be the exact form. Is the tax to be levied on the first stage of production or on the last stage when the particular commodity goes to a particular dealer?

Then there is the question of co-ordination of the multi-point tax levied by the States and the tax levied by the Centre. How far this co-ordination between the States and the Centre can be achieved? I want some clarification

on this point also. I hope the Finance Minister will devote some time to these points which I have raised.

Mr. Deputy-Speaker : The hon. Member's time is up.

Shrimati Tarkeshwari Sinha : I shall finish in two minutes. At present, there is big lacuna in working the sales-tax system. The actual tax-collecting agency consists of very small dealers or very small shopkeepers. That means, the tax-collector who should be very responsible, is not at all responsible. These small dealers live on the fractional margin. Fractional margin means that there is hardly any profit for those dealers. So there is always a tendency for those persons who live on the fractional margin to evade tax. That is one of the biggest difficulties that the State Governments are facing and I think the Central Government also will face that difficulty in future, when they start collecting the sales-tax. The person who gives you the tax is a very small dealer. Though of course I do not doubt his integrity, but there are always very many chances of your losing the revenue, because he may at any time lose his integrity and try to evade the tax. That is why this practice of selling without billing has come into vogue. They do not issue cash memos generally. This habit of selling without billing has become very prevalent. When we go to a shop we find that the dealers always say, "Please do not insist on a cash memo". Why ? Because, for his own reasons, he tries to satisfy the buyer rather than satisfy the Government. This thing should be taken care of. The Taxation Enquiry Commission said that there should be compulsory billing, but I do not know how this lacuna will be overcome by compulsory billing. Therefore I would like the Finance Minister to consider that the Government should abstain from choosing comparatively smaller dealers as their tax-agents or tax-collectors. Therefore I submit, please do not have a multi-point sales-tax system. Please do not have a single-point sales-tax system in which the tax comes on the last stage. But please levy sales-tax on the first stage when the goods are lying with the producer, the manufacturer, the wholesale dealer or the importer. By the very nature of their system, they have to maintain very good accounts and if you start taxing on the first point, I think you can get lot of money without evasion. For this purpose, I think there are many points that require to be considered on the part of the Finance Minister and on the part of Parliament. So I would request the Finance Minister that a separate Enquiry Committee for sales tax should be appointed. Sales tax is one of the important aspects of taxation policy, or the Taxation Inquiry Commission has not devoted sufficient attention to this question. So, I suggest that a separate enquiry committee should be appointed to go into the working of the sales tax.

Shri M. S. Gurupadaswamy (Mysore): An hon. Member said that all the commodities should be controlled by the Centre with a view to achieve uniformity in taxation. But he should remember that our Constitution is a federal Constitution. We are not a unitary state. In a federal Constitution, naturally, powers of taxation, political power and other powers have to be divided between the Centre and the States. If it is the wish of the hon. Member to clothe the Centre with absolute financial powers, then he may as well propose to amend the whole Constitution and substitute federalism with a unitary form of Government. That however is not our intention. When we deal with the question of taxation powers of the Centre and the States, we should bear in mind that the States should not be considered as mere satellites of the Centre. The States have got some defined powers and jurisdiction. You must see that these powers that are given by the Constitution are not jeopardized in any manner.

This Bill deals with a very vital question, the question of division of taxation powers between the Centre and the States. Till now, the Centre was exercising the power of control in respect of taxing essential commodities. The Bill seeks to make a change that henceforward, this power should not be exercised by the Centre. In 1952, when the Essential Goods Act was passed by this Parliament, we incorporated in the Bill a provision that whenever a State wants to tax goods essential to the community, the prior sanction of the President should be taken, that is, the sanction of the Government of India should be taken. Now, this Bill proposes to take away this power.

Mr. Deputy-Speaker : Hon. Members should be conscious that they are being watched constantly. If Members get the impression that there are separate

[Mr. Deputy-Speaker]

conferneces in separate quarters, that should not be tolerated and it would not be happy.

Shri M. S. Gurupadaswamy: Then, the Bill seeks to bring the entire inter-State trade under the jurisdiction of the Union Government. These are vital things.

Some Members pointed out that essential goods should be brought under the purview of the Bill. There is a measure of justification in what they say. Nobody denies the fact that we sit as judges of the nation. It is our bounden duty to see that the life of the community is well protected. In this particular instance, essential commodities, that is, commodities which are very necessary for the life of the community should not be unduly taxed. That is a view which is held by most of the common people. There is also another view, as pointed out by the Finance Minister, and that view is supported largely by the various State Governments and by the Taxation Inquiry Commission and also by the panel of economists. I feel that we should bring about a compromise between the two different points of view. I would not suggest that all the essential goods that we have included in the Essential Goods Act in 1952 should be brought under central control. I would rather submit that articles of food, which are very very essential to the community should certainly find a place in this Bill, because, I feel that it is the responsibility of the Central Government and the Parliament to see that the life of the community as a whole throughout India is kept under some vigilance and some check. From that point of view, I would submit that food articles should be brought within the purview of the Centre under the jurisdiction of Parliament.

In this connection, I may point out that the sales tax law in this country has been much of a blind law. Why I say so is because many of the States while administering these laws have not been able to assess the tax potential and they have not been able to assess the incidence of sales tax on the community. There is no statistical machinery, as I can see, in the States to assess the incidence of taxation. There is another phenomenon so far as this sales tax is concerned. The sales tax is mostly confined to the urban areas. Some Members were telling that the sales tax will hit the common man very hard. Yes; it will hit the common man in the urban areas. In the non-monetised sector, in the village sector, many people who deal with sales and purchases escape the the sales tax. They are not at all taxed. The non-monetary sector being very large in this country, I feel that the burden of taxation is falling very heavily on people who are dwelling in the urban areas. As a result of this, there has been a sort of an injustice and discrimination created between people and people.

There is another point which we have to take into consideration in this context and that is, we have launched on the Second Five Year Plan. We require a lot of resources. Especially, the States require a lot of resources. When resources are required, all possibilities of taxation have to be examined. Particularly, there should be joint consultation between the Centre and the States in respect of new taxes or additional taxes. Unfortunately, today there seems to be no co-ordinating agency between the Centre and the States, in respect of taxes. I do not know whether the Finance Minister would be able to tell me whether there is any machinery or agency to co-ordinate all these aspects and the budget policies of the various States and the Centre. I would say that sales tax is just a gamble in the den, and there are no statistics maintained in the various States. Secondly, I would again say that there is no co-ordination between the Centre and the States in respect of taxation and in respect of the budgetary policies and there is no machinery except casual consultation in the National Development Council and otherwise. There is no standing machinery which co-ordinates the taxation policies of the various States and there is no machinery to examine the question of the incidence of taxation. I feel that this lacuna should be filled.

This Bill is welcome in the sense that inter-State trade which is already in the Seventh Schedule is brought under the jurisdiction of the Centre and the power of regulating this inter-State trade and commerce is taken over completely from the States. This inter-State trade and commerce is a responsibility of the Centre, it is not the responsibility of the States. Of course, the Constitution in Chapter XIII deals with the freedom of

trade, and this freedom of trade should be non-discriminatory and of course may be subject to certain restrictions whenever these restrictions are necessary from the point of view of public interest. But from the point of view of uniformity of trade it is very necessary that inter-State trade and commerce should come under the jurisdiction of the Government of India.

Lastly I would make a suggestion to the Finance Minister. Is it not possible now to effect uniformity in sales tax, not in the quantum of taxation, but in the matter of point at which it is laid? Would it not be desirable or possible to bring about this uniformity at least? It is not possible to bring about uniformity in respect of the quantum of taxation, because economic conditions vary from State to State, but I think it would be desirable and possible if the Finance Minister makes up his mind to bring about a single point taxation throughout India. If that matter of uniformity is assured, much of the injustice which is being caused by the sales tax legislation in the various States would be reduced and I am sure that hereafter there will be better order in the matter of sales taxation.

Shri Dabhi (Kaira North): The object of this Bill seems to me to be twofold. The first object is to empower Parliament to formulate by law the principles for determining when a sale or purchase of goods can be said to take place in the course of inter-State trade and commerce. This has been necessitated by the two different interpretations given by the Supreme Court in the famous cases. There can be no objection to this because, in short, the first object of this Bill is to make the intention of the Constitution-makers clear. In the past also we have made certain amendments to the Constitution, for example the amendment to article 31, with a view to make the intention of the Constitution-makers clear.

But the second object of this Bill is to take away the control of the centre, which is at present exercised by it, with regard to the imposition of tax on inter-State sale of goods which are considered essential by Parliament, and this new clause (3) which is proposed to be substituted for the present clause limits the power of the Centre only to goods which are considered to be of special importance in inter-State trade and commerce. A commodity may be considered to be essential for the life of the community and yet it may not be considered to be of special importance, as for example, salt, kerosene, foodgrains etc. In the first place, the hon. Finance Minister seems to think that the words "goods which are of special importance in inter-State trade and commerce" may include foodgrains and perhaps salt, kerosene etc. If that is the case, where was the necessity of changing the words "essential for the life of the community" to "goods of special importance in inter-State trade and commerce"? I have not doubt that the two do not mean the same thing. In the Statement of Objects and Reasons also it is definitely stated that the goods which are of special importance in inter-State trade and commerce would include generally the raw materials required for finished goods. So, I do not think those two expressions are identical.

The Taxation Enquiry Commission have stated:

> "Where the State is in effect taxing its own consumers, it should not be open to Parliament to exercise concurrent powers in regard to declaration of certain articles as exempt from sales tax".

But after saying that the Commission themselves have recommended that Parliament's control over the States' power to tax commodities of special importance in inter-State trade and commerce should be retained. But the Commission have not said why this power should not also be retained with regard to certain important and essential goods which are essential for the life of the community, especially when the Constitution-makers themselves thought of keeping the control of Parliament over certain goods which are essential for the life of the community. Why did the Constitution-makers want to keep that control of Parliament over the States?

We know that the State Governments require much money for the implementation of the Second Five Year Plan and we know that this sales tax is one of the main sources of revenue of the States. There can be no denying that. Everybody admits it, but, if even for the sake of the implementation of the Second Plan they have to tax foodgrains or kerosene or salt, all our talk of a welfare State or socialist pattern of society will not have much meaning.

[Shri Dabhi]

By the way, my hon. friend Pandit Thakur Das Bhargava stated he would be satisfied if foodgrains are included, but I would ask him if he would not like salt to be included, because salt has a history behind it.

Pandit Thakur Das Bhargava: Foodgrains, coarse cloth and fodder. I stated three things.

Shri Dabhi: It was stated by Shri Raghavachari that we should not entertain any doubts about the States.

3 P.M.

It was stated that no popular government in a State would risk its existence by taxing essential commodities. But then this fact was also known to the Constitution-makers. They also were aware of the fact that popular governments were going to be established. Even in spite of that, they thought it fit that there must be some control of the States.

I might give one example. The States have the power to make laws with regard to agricultural lands. Yet, under article 31A of the Constitution, we have clearly laid down that if a State were to pass such laws, they would require the assent of the President, before they can be brought into force. In the same way, here also, there is absolute necessity that some control by Parliament should be retained over essential goods.

I also concede that the list of essential goods given in the Essential Goods (Declaration and Regulation of Tax on Sale or Purchase) Act, is very long. There is no doubt about that. But Parliament has power to make laws and therefore we can cut down the list to only a few articles. So, I do not think there can be any difficulty in retaining the words 'essential for the life of the community'.

The Minister has stated that there has been some mutual arrangement entered into between the States and the Centre, and therefore, it may not be possible at this stage to retain those words. But I hope that after the passing of this Bill at least, he would reason with the States and make them accept the proposition that they would not under any circumstances tax certain special commodities which may be considered essential for the life of the community. If it is not possible to include the meaning of that expression in the words 'of special importance in inter-State trade or commerce', then I would suggest that the Minister should make the States agree in the future to make certain amendments in the Constitution.

सेठ अचल सिंह (जिला आगरा पश्चिम) : उपाध्यक्ष महोदय यह जो बिल सिलेक्ट कमेटी (प्रवर समिति) स हो कर आया है मै अुसका स्वागत करता हूं । साथ ही में यह कहना चाहता हूं कि इस सेल्स टैक्स ने व्यापारी जगत में बड़ी उथल पुथल कर रक्खी है और इसकी वजह से काफी कठिनाई अनुभव की जा रही है । मिसाल के वास्ते जैसे उत्तर प्रदेश में जो पहली अप्रैल से आर्डिनेन्स (अध्यादेश) लागू किया उसके कारण कपड़े और गल्ले का व्यापार करीबन समस्त देश में बन्द हो रहा है, कई दिन तक हड़ताल रही और बाजार बन्द रहे और काले झंडों के जलूस निकाले गये और गवर्नमेंट को बुराभला कहा गया । इस आर्डिनेन्स की वजह से वहां व्यापार को बड़ा धक्का लगा है । सेल्स टैक्स ऐसी चीज़ है जो आम जनता से सम्बन्ध रखता है क्योंकि प्रत्येक व्यक्ति को चाहे वह गरीब हो या अमीर, अन्न और वस्त्र की अवश्यकता होती है । परसों मैं आगरे में था । वहां के कपड़े के थोक के और खरीज के व्यापारी मेरे पास आये थे और उन्होंने बतलाया कि जो सेल्स टैक्स उत्तर प्रदेश में लागू किया गया है उसका परिणाम यह हो रहा है कि उत्तर प्रदेश का कपड़े का व्यापार दूसरे राज्य में, जैसे दिल्ली में, राजस्थान में और मध्य भारत में जा रहा है । बहुत से लोग गलत तरीके से काम कर रहे हैं । वे बिना परचे के कपड़ा ले आते हैं और यहां ला कर बगैर सेल्स टैक्स के बेच देते ह । इससे गवर्नमेंट को करोड़ों रुपये का नुकसान होता है और आम जनता को बड़ी अड़चन महसूस होती है । इसलिये मेरा सुझाव ह कि जो भी सेल्स टैक्स लगाया जाय वह सब राज्यों में एक समान होना चाहिये । यह नहीं होना चाहिये कि एक स्टेट में कुछ हो और दूसरी में कुछ हो । ऐसा न होने से यानी सेल्स टैक्स में विविध राज्यों में अन्तर होने से व्यापार को बहुत धक्का लगता है । अगर सम्भव हो तो सेल्स टैक्स को इनडायरेक्ट तरीके से वसूल किया जाये । उसका परिणाम यह होगा कि पूरा टैक्स वसूल होगा । जनता में बेचैनी भी नहीं होगी ।

पिछले मर्तबा मुझको मंत्री जी ने बताया था कि वे जुलाई के सेशन में कोई ऐसा बिल लावेंगे जिससे कि ये दिक्कतें दूर हो जायेंगी । मेरा सुझाव है कि जो चीजें जीवन के लिये बहुत आवश्यक हैं उन पर सेल्स टैक्स नहीं लगना चाहिये । इसकी वजह से आम जनता को खास तौर से गरीब जनता को बहुत तकलीफ होती है ।

इसके अलावा हम देखते हैं कि हमारे देश में जो प्रजातंत्र है उसको मुश्किल से आठ वर्ष हुए हैं । यहां के लोग प्रजातंत्रों के तरीकों से पूरी तरह वाकिफ नहीं हैं । जो कानून बनता है उससे बचने की कोशिश करते हैं और बचने के रास्ते निकाल लेते हैं और इस प्रकार उस कानून को विफल बना देते हैं । इंगलैंड और अमरीका में सैकड़ों वर्षों से डिमाक्रेसी चल रही है । वहां के लोग समझ गये हैं कि डिमाक्रेसी क्या है । वहां के लोग डाइरेक्ट टैक्सेशन (प्रत्यक्ष करारोपण) को समझते हैं और उसको अदा करते हैं लेकिन यहां की जनता डाइरेक्ट टैक्सेशन को बुरा समझती है । इसके अलावा यहां के लोगों की आमदनी भी बहुत थोड़ी है जब कि दूसरे देश के लोगों की औसत आमदनी यहां से दस, पन्द्रह और बीस गुना ज्यादा है । इसलिये भी यहां के लोगों को डाइरेक्ट टैक्सेशन अखरता है । इसलिये मेरा मंत्री महोदय से निवेदन है कि इस समय जो व्यापारी जगत में सेल्स टैक्स की वजह से बेचैनी और महीने में हल पुथल हो रही है उसको दूर करें नहीं तो सारे देश में खास तौर पर उत्तर प्रदेश में कपड़े और गल्ले का व्यापार पट हो जायेगा ।

मुझे बतलाया गया है कि उत्तर प्रदेश के गल्ले के व्यापारी एक कानफरेंस (सम्मेलन) कर रहे हैं जिसमें वे गल्ले के बाजार को लगातार बन्द रखने का निर्णय करेंगे। वहां पर गल्ले पर मल्टीपल (बहु स्थानिय) सेल्स टैक्स लागू किया गया है जिसका हर दुकानदार को हिसाब रखना पड़ेगा । परन्तु एक मामूली दुकानदार के लिये उस हिसाब को रखना और उस टैक्स को अदा करना बहुत कठिन कार्य है । आज वहां की जनता की मांग है कि केन्द्रीय सरकार इसमें दखल दे । आज जो इस टैक्स के कारण नई नई दिक्कतें पैदा हो गयी हैं उनके कारण लोग पापुलर (लोकप्रिय) सरकार को बुरा भला कह रहे हैं । इसलिये हम को कोई ऐसा तरीका अख्तियार करना चाहिये जिसमें सांप मरे पर लाठी न टूटे, यानी हमको टैक्स भी मिल जाये और जनता में भी असंतोष पैदा न हो । मैं आशा रखता हूं कि इन सब बातों का ख्याल रखकर मंत्री महोदय ऐसा बिल लावेंगे जिससे ये जो दिक्कतें हो रही हैं वे दूर हो जायेंगी ।

Shrimati Jayashri (Bombay—Suburban): I rise to welcome this measure. Grave difficulties were experienced in the working of the provision in article 286 of the Constitution, and particularly with regard to the interpretation of Explanation to article 286(1) (a), for this gave rise to many administrative difficulties. So, the amendment to that article which has been brought forward now will help the dealers as well as inter-State trade.

We are aware that India is a vast country of a great size, where it is difficult to have a hard and fast uniformity with regard to taxation. In some parts of India, we have more agricultural production, while in others, there is more industrial production. So, it is difficult to say that there should be uniformity in taxation. We have to trust the State legislatures to see that an unnecessary burden is not placed on the cosumers as well as the dealers.

I have got here a chart circulated by Government in regard to the sales-tax systems in various States. We expect that the various programmes of our Five Year Plan should be carried out by the various States. As you are all aware, the main source of revenue is the sales tax. I will read out the position in one or two States. In Assam, the revenue from sales tax is about Rs. 140 lakhs out of Rs. 963 lakhs; that is, 14 per cent. In Bihar, it is Rs. 412 lakhs out of a budget of Rs. 2675 lakhs. So we see that this is the main source of revenue.

Shri Bansal said that the burden of the tax would fall on small dealers and shopkeeper who are doing business in small *chhabris*. That is not correct. From this chart, we see that only those whose turnover is more than Rs. 15,000 will have to bear this tax. It is not, therefore, correct to say that all the dealers will be burdened.

With regard to consumers, it is not only the poor people who are going to be taxed. All will be treated equally,

[Shri Jayashri]

whether poor or rich. Those who buy these commodities will be taxed.

I have also got some information about the opinion of various States. For example, the Chief Minister of Madras has said that the Essential Goods Act 1952, should not have been passed in spite of the provision in the Constitution. It was as much the business and interest of the State to see that essential goods were not overtaxed. We do not trust our own Leigslative Assemblies. They are also anxious to see that the burden does not fall on their own people. Similarly, the Chief Minister of Bombay has said that he agrees that in a country so situated and so circumstanced as India is, it is not possible to have uniformity of taxation. He has further said that when it is not possible for the Centre to give up its import duty on cotton and its excise duty on cloth, in order to make cloth cheaper, the States should not be asked to give up their levy of sales tax. This is their argument, and we have to see the States also receive some revenue for implementing the schemes of the Plan.

The only thing that this Bill wants to improve upon is to see that there are no administrative difficulties in this matter. That is the reason for bringing forward this amending Bill. I hope that it would be for the good of the people to pass this amendment and that it would also solve the many difficulties, and improve the chaotic condition in which we find taxation at present.

श्री झुनझुनवाला (भागलपुर मध्य): कास्टिट्यूशन (संविधान) के संशोधन के लिये जो यह बिल लाया गया है वह दो एक बातों में तो बहुत अच्छा है परन्तु सेल्स टैक्स के सम्बन्ध में जो आशा की गई थी, अर्थात् उस में सुविधायें होंगी, यूनिफार्मिटी (समानता) लाई जायेगी आदि आदि जो बातें थीं, वह बहुत कुछ इस पर निर्भर करेगी कि जो सेल्स टैक्स का बिल आयेगा उस में क्या क्या बातें रक्खी जायेंगी। इस विधेयक में जो बातें हैं उन में एक बात तो साफ कर दी गई, और वह इन्टरस्टेट ट्रेड (अन्तराज्यीय व्यापार) के सम्बन्ध में है। अभी तक यह था कि पार्लियामेंट इस सम्बन्ध में जो जो कानून बनायेगी और जिस तरह से उनको लागू करेगी, उस तरह से वह अमल में आयेगा। परन्तु अभी तक न पार्लियामेंट ने इस सम्बन्ध में कुछ किया और न कुछ हुआ। नतीजा यह हुआ कि स्टेटस ने कई प्रकार के टैक्स लगाये और फिर कोर्टबाजी हुई। यह बड़े सन्तोष की बात है कि इस कांस्टिट्यूशन ऐमेंडमेंट (संशोधन) में यह बात स्पष्ट कर दी गई है। क्लाज चार के सब क्लाज ३ में इंटरेस्टेट का जो मामला है वह एकदम से साफ हो गया, परन्तु उस में भी दो बातें हैं। एक तो यह कि "declared by Parliament by law to be of special importance" जो चीजें स्पेशल इम्पार्टेंस (विशेष महत्व) की बतलाई गई हैं उन के अतिरिक्त यदि कोई चीजें हुई तो उस के सम्बन्ध में क्या होगा। यदि इस तरह की कोई चीज इन्टरस्टेट ट्रेड में आई और एक जगह से दूसरी जगह पर गई तो उस के सम्बन्ध में क्या होगा?

दूसरी बात यह है कि जो चीजें स्पेशल इम्पार्टेंस की हैं उन में फूडग्रेन्स (खाद्यान्न) आदि आयेगें या नहीं, जो कि बहुत ही आवश्यक चीज है। इसको हमारे भाई पंडित ठाकुर दास जी भार्गव ने अच्छी तरह से समझाया है और टैक्सेशन इन्क्वायरी कमिशन की जो राय है वह भी उन्होने अच्छी तरह से पढ़ कर सुनाया कि उस का कभी भी यह अभिप्राय नहीं था कि जो चीजें कम्यूनिटी की जिन्दगी के वास्ते बहुत आवश्यक है उन सब पर कर लगाया जाये। लेकिन स्पेशल इम्पार्टेंस की जो चीजें दी गई हैं यहां पर, उन में यह बात साफ तौर से नहीं दी गई है। मेरी राय में यह बात साफ कर देनी चाहिये, साथ ही यह भी साफ तौर से यहीं पर दो बतलाना चाहिये कि जो चीजें स्पेशल इम्पार्टेंस की नहीं हैं उन के सम्बन्ध में क्या स्थिति होगी।

अन्य जो बातें हैं उनके सम्बन्ध में कुछ लोगों ने यह कहा है कि यह स्टेट्स का मामला है, हमारे कुछ भाइयों ने संविधान की बातें कहीं कि हमारी गवर्नमेंट यूनिटरी नहीं है, यह फेडरल गवर्नमेंट है। उन्होंने बहुत सी कानूनी बातें बतलाई और कहा कि जो हमारी पार्लियामेंट है वह उन में कैसे हस्तक्षेप कर सकती है। परन्तु मेरा निवेदन यह है कि जिस समय हमारा संविधान बना था उस समय स्टेट्स के ही लोगों ने आकर के उसे बनाया था और उस समय यह बात आवश्यक समझी गई थी कि जो जनता के उपयोग की हो, जैसे खाना है, उस के ऊपर टैक्स न लगाया जाय, और यदि लगाया जाय तो प्रेसिडेंट की रजामंदी ली जाय। बहूत सोचविचार कर के यह बात

आर्टिकल २८६ के क्लाज ३ में रक्खी गई थी । मेरी समझ में नहीं आता कि जब इतनी छान बीन कर के उस समय यह बात रक्खी गई थी तो अब क्या परिवर्तन हो गया है कि स्टेट्स के लोग हमारे वित्त मंत्री के पास आये और उनको कोई नई बात समझाई जिस के कारण हमारे वित्त मंत्री आज कहते हैं कि स्टेट्स के लोगों के साथ समझौता हो गया है कि इस बात में केन्द्र की तरफ से इंटरफिअर (हस्तक्षेप) नहीं किया जायेगा । मैं जानना चाहता हूं कि क्या हमारे वित्त मंत्री ने इस बात की अच्छी तरह से तहकीकात की है कि जो दशा हमारी मासेज (जनता) की उस समय थी वैसी अब नहीं है । जैसा हमारे पूज्य टंडन जी भी कई बार कह चुके हैं, बाज एरियाज (क्षेत्रों) में आज लोगों की ऐसी स्थिति है कि उन को शाम का खाना भी नहीं मिलता है । ऐसे लोगों के ऊपर टैक्स लगाना, नमक पर टैक्स लगाना, चावल पर टैक्स लगाना, दाल पर टैक्स, गेहूं आदि पर टैक्स लगाना उचित नहीं है । जिन लोगों का हजार रुपये महीने का खर्च है .....

उपाध्यक्ष महोदय : माननीय सदस्य दो मिनट में खत्म करने का यत्न करें क्योंकि मुझे मिनिस्टर साहब को बुलाना है ।

श्री झुनझुनवाला : मैं इतनी ही देर में खत्म करने की कोशिश करूंगा, हो सकता है कि दो एक मिनट और हो जायें । तो मैं कह रहा था कि जिन लोगों का हजार रुपया महीने का खर्च होता है बेकार की चीजों में, उन के लिये शायद यह टैक्स बहुत न मालूम हो । अगर देखा जाय तो खाने में हमारा २०० रु० मासिक से अधिक नहीं खर्च होता है । ८०० रु० हमारा चूंकि फैशन आदि की चीजों के लिये खर्च होता है इस लिये हम को मालूम होता है कि क्या हुआ यदि फूडग्रेन्स पर थोड़ा सा टैक्स लग गया । लेकिन हम लोगों को गांव के उन लोगों की कभी भी याद नहीं आती जिन का खर्च २ आ० रोज का है । जो लोग ४ या ५ रु० महीना खर्च करते हैं यदि उन के ऊपर २ आ० भी टैक्स लग गया तो उन की हालत क्या होगी यह मेरी समझ में नहीं आता । यह ठीक है कि हमारे लिये कर लगाना जरूरी है, जो हमारी सेकन्ड फाइव इअर प्लैन (द्वितीय पंचवर्षीय योजना) है उस को हम को सफली भूत करना है, उस के लिये हम को रुपये की आवश्यकता है । परन्तु मैं वित्त मंत्री जी से यह पूछना चाहता हूं कि क्या कभी उन्होंने विचार कर के देखा है कि हमारी जो फर्स्ट फाइव इअर प्लैन या सेकन्ड फाइव इअर प्लैन है उस का **इंसिडेंट आफ बेनिफिट** हमारी मासेज तक कितना पहुंचा है ? आप जब कर लगाते हैं तो उन के पास चले जाते हैं, सोचते हैं कि क्या हुआ अगर नमक पर थोड़ा सा कर लग गया, दाल पर आधा पैसा कर लग गया, और हाउस में आ कर कह देते हैं एक किसान पर कुल मिलाकर शायद चार आने का फर्क पड़ेगा । परन्तु हम लोग यह कभी नहीं सोचते कि फर्स्ट फाइव इअर प्लैन के लिये जो आप उससे चार आने लेते हैं और उससे जो बेनिफिट (लाभ) आपको मिलता है उस से क्या लाभ उन लोगों का होता है । किसी खास जगह की बात तो मैं कहता नहीं. परन्तु जनरली अभी तक उन भागों में इसका कोई लाभ नहीं पहुंचा है और न इस सम्बन्ध में कोई भी हमारी रिपोर्ट कुछ कहती है । मैं यही बात पूछ रहा था कि फर्स्ट फाइव इअर प्लैन में जो इंसिडेंस आफ बेनिफिट हुआ है वह किस क्लास के लोगों पर हुआ है । मैं कहता हूं कि आप टैक्स लगाइये, सबों पर लगाइये, हम लोगों को रुपया चाहिये क्योंकि रुपये के बिना हम आगे नहीं बढ़ सकते हैं, जैसी कि आज कल रुपये की एकानमी हो गई है, परन्तु ऐसे आदमियों के ऊपर, जिन को दो वक्त खाना नहीं मिलता, दो क्या एक वक्त भी पूरी तरह से खाना नहीं मिलता, उन को उसका कुछ लाभ मिलना चाहिये । मैं जिस कांस्टिटुएंसी (निर्वाचन क्षेत्र) से आता हूं वह एक देहात की कांस्टिटुएंसी है, मैं वहां की हालत जानता हूं, यहां पर जो टैक्स लगता है उस का हाल भी मैं जानता हूं । कहा जाता है कि सेकन्ड फाइव इअर प्लैन में बहुत कुछ होगा, लेकिन गांवों के लिये विशेष कुछ नहीं जान पड़ता है ।

ऐसी हालत में हमारे वित्त मंत्री जी को स्टेट्स गवर्नमेंट वालों को समझाना चाहिये कि कर लगाने की जो पावर (शक्ति) है वह सेन्टर में रहनी चाहिये ताकि उन लोगों पर कुछ अंकुश रहे और वह लोग मनमाने टैक्स न लगा सकें जिस से गरीबों को तकलीफ हो ।

उपाध्यक्ष महोदय, मुझे कहना तो बहुत था लेकिन इतना ही कह कर मैं वित्त मंत्री जी से प्रार्थना करूंगा कि जैसा उन्होंने कहा था कि फूडग्रेन्स वगैरह इन्क्लूडेड (सम्मिलित) होंगे, वैसा ही करें ।

Shri C. D. Deshmukh: Mr. Deputy-Speaker, it appears to me that much of the thinking that is behind the observations made in the course of this debate, especially in regard to the essentiality of goods is somewhat static in character, whereas we are dealing with fluid circumstances and a dynamic state of affairs. I was not myself present when the Constitution was hammered out, but, I have reason to believe that at that time the viewpoints of State Governments received a great deal of weight and consideration. But we seem to have moved away from that position and now there are voices raised in this Parliament indicating that Parliament would almost be justified in overriding the views and sentiments of State Governments. I would submit that that would not be a right way of looking at this matter.

As I said some time ago, it is not a question of bargaining between the States and the Centre. What we are trying to do is to hammer out a new solution of the old difficulties and when I said that I am representing the States, I meant that I am putting forward a solution which has the largest measure of support from among the States. That is why I said, if we wish to go back on this, then we, as Government, would not feel justified in proceeding with this measure. That is all. It is certainly for Parliament in its aspect of a constitution-changing authority, to make whatever change it wishes to in the Constitution. That has reference only in a limited sense to article 368 which does not bear upon this question of essentiality at all. It refers to the necessity of ratification for among, other things, changes in the Schedules, that is to say, the distribution of executive and legislative powers as between the Centre and the States. But, so far as the gist of this legislation is concerned, it is not constitutional difficulties that stand in our way but it is the realisation that what Government are putting forward now is an agreed solution.

Having pointed out that there is bargaining, I should like to state that so far as the States are concerned, they are giving up just a little—not very much—for introducing order into the system. To take points of disadvantage first, for them, in view of the latest ruling of the Supreme Court, they, of course, do realise that it will not be possible for them to impose taxes on sales or purchases of goods when they are involved in inter-State transactions. The provision in regard to goods essential for the life of the community is there and that is, so to speak, a point in favour of the Centre rather than the States. That is to say, the States are at a disadvantage. Nevertheless, there is some small aspect of this Bill where the States have agreed to a possible diminution of some of their powers of taxation. I am not referring here to the actual wording of sub-article (2) of article 286 of the revised version, but what I am referring to is the position that any inter-state sales-tax that we may now impose in accordance with our new powers will apply prospectively and retrospectively and if we choose to levy rates which are lower than the rates at present in existence in any State, then, to that extent, those rates will have to be reduced. Therefore, on the part of those States, there is a small measure of sacrifice involved although I do not wish to attach too much importance to a point of this kind. In regard to the general question of sales tax and rationalisation, that is too broad an issue for us to enter upon here when we are only changing the Constitution and not promoting a Bill actually in accordance with the provisions of this new Constitution (Amendment) Bill.

There has been reference to three matters, the appointment of an advisory committee, the estabilshment of an inter-State Taxation Commission and then the question of uniformity which keeps cropping up from time to time.

In regard to the first, the recommendations of the Taxation Enquiry Commission have been conveyed to the States, and from time to time we shall take advantage of the opportunities we have of conferring with the States to bring this particular recommendation to their notice.

As regards a general investigation into sales tax and so on, it is not correct to say, obviously when the Taxation Enquiry Commission has gone so deeply into the matter, that there has been no investigation. But obviously it has been from a particular angle, the general angle of taxation and also the general angle of incidence. Nevertheless, there are matters connected with the detailed procedure and the administration, especially the effective administration of sales tax, which were naturally

not matters comprised very closely within the terms of reference of the Taxation Enquiry Commission. It is my intention, and I have already taken up the matter with the States, to send a small team of experts in sales tax to the various States in order to study the systems of sales taxes and try to help in improving them. I have received very encouraging responses from all the States. I have also received the offer of the services of some experienced State officers from among whom I could choose in order to constitute this team of experts, and I have hopes that very shortly we shall be in a position to send out such an expert team. Whether any further investigation will be required will depend on what is thrown up by the investigation that will be made by this expert team.

Shri C. C. Shah: Not merely for legislation but also for administration.

Shri C. D. Deshmukh : I said effective administration too. While I am on that point, I should like to refer to a question which Shri Bansal asked: what has happened to the proposal to turn into excise the present sales tax on cloth ?

Shri Bansal : I did not refer specifically to cloth.

Shri C. D. Deshmukh: What has happened to this general proposal? We have referred this in a specific form, so far as cloth is concerned, to the State Governments, and their replies are coming in. When we get an encouraging measure of agreement, may be we shall find some suitable opportunity of proceeding with it. The general principle involved has already been commended by more than one State Minister, either the Chief Minister or the Finance Minister, in one of the meetings of the National Development Council. I feel that, if we succeed in making this change in regard to one staple commodity like cloth, may be we shall find ways of extending it to other spheres. Our ideas are not very clear yet on the subject, and I do not think it is necessary to indulge in any prematurely advanced thinking in regard to that matter. We shall be guided by the reactions of the States and our actual experience.

Then I proceed to the main bone of contention, that is, article 286(3). I think Shrimati Jayashri has already referred to the excerpts from the proceedings of the Finance Ministers' Conference, which was held in October 1952, that is, after the Parliament passed the Essential Goods Act, 1952. She has already quoted what the Chief Minister of Madras stated. I would like to read out what the Chief Minister of Bombay said :

> "In a country, so situated and so circumstanced as India, it was not possible to have uniformity of taxation. Certain parts of the country were predominantly agricultural while the other parts were industrial. When it was not possible for the Centre to give up its import duty on cotton and its excise duty on cloth, to make cloth cheaper, why should the States be asked to give up all ideas of sales tax ? Many of the items added in the schedule to the Essential Goods Act, 1952, could hardly be treated as essential goods."

Then there were other Finance Ministers who spoke more or less in the same strain. The Finance Minister of West Bengal observed that it would be difficult to define as to what was essential commodity and that the State Government should enjoy the liberty to levy sales tax at such rate as they considered necessary etc.

Shri Dabhi: But the Bombay Government has not taxed coarse cloth and other essential goods like salt and kerosene.

Shri C. D. Deshmukh : I only refer to their professions, not to their practice.

Shri N. C. Chatterjee (Hooghly): There is a gap between the two.

Shri C. D. Deshmukh : That being so, I maintain that we should proceed on the basis of agreed solutions, and it was only in that sense that I stated to the Select Committee that it would be advisable for us to proceed with this Bill, and at the same time, to try and convey to the State Governments what the feeling of this House is. So far as the present Bill is concerned, it is not a commitment so much as an agreement on the principles which have been enunciated by the Taxation Enquiry Commission. One hon. Member asked why it is that such a view is taken. I can only refer him to pages 50 to 55 of the Third Volume of the Report of the

[Shri C. D. Deshmukh]

Taxation Enquiry Commission. The Report is somewhat long and involved, and I will not take up the time of the House by reading out long extracts. The essence of the matter is that in the eyes of the Taxation Enquiry Commission, so far as internal cosumption is concerned, the States should be left free to tax and we should rely on the moderation and a sense of the feelings of the public on the part of the State Legislatures, who in their field had co-extensive jurisdiction with Parliament in regard to items which are in the State Schedule. That view commended itself to us, both the Central Government and the State Governments, and the result is this Bill. Nevertheless, I for one am prepared to say that one should never have a closed mind on subjects like this on which there is evidence that a large number of people feel strongly, whether it is the question of exemption or whether it is the question of moderate levy or whether it is the question of uniformity. These are points which will never lose their importance.

Therefore, I have undertaken and I continue to do so, to convey the views of this House, of the individual Members, to the State Governments, and take an opportunity when I meet them, which I do more than once a year in connection with the meetings of the National Development Council, to discuss these matters with them. It is not necessary now to have a separate conference to find out whether there is any fair measure of agreement in regard to these essential goods.

In the meanwhile the situation is not entirely lost even from the point of view of those who urge that article 286(3) should be retained, because there is the possibility of enlarging, although not very much, that list of goods which are of special importance in inter-State trade or commerce. I have just received a communication from one State Government appealing to me to restore the use of the words "raw materials" and not use the general word "goods". That only indicates what their fears are in this matter. The fears are that again, as in the case of the Essential Goods Act, the Parliament might be induced by the generosity of their feelings to make a very long list of goods of special importance in inter-State trade or commerce. Therefore, I do not wish to raise any false hopes. Nevertheless, I do not wish to bar the possibility of inclusion of articles like foodgrains, especially when there are some large movements necessary, say, for fair price shops or, even if things turn out so bad, for price controls and things like that. Circumstances may easily arise where it would not be difficult to prove that foodgrains movements are of great importance in the inter-State trade and commerce. If so, I do not expect any great difficulty in carrying this message, shall we say, to the State Governments. This view is shared by some of my colleagues in the Cabinet, if I may disclose it. So, I would advise that we leave this particular matter there and for the moment proceed with this piece of legislation as we have it before us.

There are one or two other matters which would perhaps come up in the course of the discussion of the amendments. Perhaps Pandit Bhargava referred to article 304 and the whole of Part XIII. Our view is that it is not necessary specifically to refer to Part XIII. So far as article 304 is concerned, I draw precisely the opposite inference from that drawn by Pandit Bhargava. He says that an unreasonably high level of tax could easily be construed as imposing reasonable restrictions on the freedom of trade and commerce and so on in accordance with clause (b) of article 304. I would draw his attention to sub-clause (a) of article 304 which specifically refers to taxation. The side heading is 'Restrictions on Trade, Commerce and intercourse among States'. It refers to taxation.

[MR. SPEAKER *in the Chair*]

Therefore, my conclusion is that all matters which refer to tax are exhausted in sub-cluase (a) and sub-clause (b) cannot refer to any matters relating to tax. They are only limitations which the Constitution intended to impose in respect of tax. Therefore, we are free to impose any other mode of tax under article 304.

It was asked, what will be the shape of the Bill to come. That is somewhat premature. There will be plenty of opportunity for the House to consider what form the Bill should take. In any case I do not think that it is necessary for the House to know exactly what provision that Bill will contain in order to make up its mind as to whether it should lend its support to the passing

of this Bill. We have some ideas here and we have also worked out possible details of what sort of things we should have to consider, for instance, whether there should be separate rates for registered dealers and unregistered dealers, the difference between specific goods and other goods, the mode of collection, distribution and so on. But, as I say, we have given some thought to the matter and I do not think it is necessary for the present purpose to have any idea of what sort of a legislation it would be.

I have noticed a suggestion by one hon. Member that, instead of bringing two or three pieces of legislation, we can combine them all in one piece of legislation. Obviously, that is a matter of convenience. One piece of legislation can deal with the definition of inter-State trade and commerce for the purpose of article 269, then the definition of whether the goods are going outside or being exported and so on, that is to say, definitions required for the purpose of clause (1) of article 286. We cannot specify those commodities which are the subject matter in inter-State trade and commerce. It is quite possible to have one piece of legislation. That is a matter of drafting and of convenience.

In regard to this general question of uniformity, although I have mentioned the views of the State Governments. I myself believe that the logic of events would finally drive the States to come closer together in their rates of levy because there is always some grievance of one State or the other. An example was given by one hon. Member. The vendors in U. P. were affective because some rates were lower in Delhi. That kind of thing is all over the place. I have no doubt that rationalisation will come in because of conviction and not because of sentiment or any particular doctrine in regard to sales-tax.

We are asked : what machinery is there for recording the incidence of various taxes. That is a matter which is part of the continuous studies of our Central Board of Revenue and our economic divisions as well as the Reserve Bank. A certain amount of study was conducted by the Taxation Enquiry Commission on a large scale in regard to the incidence of taxation. Obviously, as the dimensions of our taxes increase, we shall have to have far more detailed data in our possession in order that we may be able to justify those taxes to the House. In other words, as I said the other day, the House will be more and more alive to finding out whom they are hurting by this process of additional taxation. That onus, I am painfully aware, rests very much on the Finance Ministry. We shall try to perfect, our data collected for that purpose. I think I have clarified most of difficulties which the hon. Members felt in this respect and therefore, I commend my motion to the House.

Mr. Speaker : I shall first put the amendment to the vote of the House.

Shri Vallatharas : I beg leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Speaker : I shall now put the motion to the vote of the House.

The question is :

"That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration."

The Lok Sabha divided : Ayes, 342; Noes 6.

DIVISION No 4. AYES 3·51 P. M.

Abdullabhai, Mulla
Abdus Sattar, Shri
Achal Singh, Seth
Achuthan, Shri
Agarwal, Shri H. L.
Agrawal, Shri M. L.
Ajit Singh, Shri
Akarpuri, Sardar
Altekar, Shri
Ansari, Dr.
Asthana Shri
Azad, Maulana
Azad Shri, Bhagwat Jha
Babunath Singh, Shri
Badan Singh, Ch.
Balakirishnan, Shri
Balasubramaniam, Shr
Baldev Singh, Sardar
Balmiki, Shri
Bansal, Shri
Barman, Shri
Barupal, Shri P. L.
Basappa, Shri
Bhagat, Shri B. R.
Bhakt Darshan, Shri
Bharati, Shri G. S.
Bhargava, Pandit M. B.
Bhargava, Pandit Thakur Das
Bhatkar, Shri
Bhatt, Shri C.
Bhawanji, Shri
Bheekha Bhai, Shri
Bidari, Shri
Biraval Singh, Shri
Bogawat, Shri
Borkar, Shrimati Asnusayabai
Borooah, Shri
Bose, Shri P. C.
Brajeshwar Prasad, Shri
Brohmo-Choudhury, Shri
Chakravartty, Shrimati Renu
Chaliha, Shri Bimalaprosad
Chanda, Shri Anil K.
Chandak, Shri
Chandrasekhar, Shrimati
Charak, Th. Lakshman Singh

Chatterjee, Dr. Susilranjan
Chaturvedi, Shri
Chaudhary, Shri B. L.
Chavda, Shri
Chettiar, Shri Nagappa
Chowdary, Shri C. R.
Chowdhury, Shri N. B.
Dabhi, Shri
Damodaran, Shri Nettur P.
Das, Dr. M. M.
Das, Shri B.
Das, Shri B. K.
Das, Shri K. K.
Das, Shri N. T.
Das, Shri Ram Dhani
Das, Shri Ramananda
Das, Shri Sarangadhar
Das, Shri Shree Narayan
Datar, Shri
Deb, Shri S. C.
Deo, Shri R. N. S
Deogam, Shri
Desai, Shri K. N.
Desai, Shri Khandubhai
Deshmukh, Dr. P. S.
Deshmukh, Shri C. D.
Deshmukh, Shri K. G.
Deshpande, Shri G. H.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Digambar Singh, Shri
Diwan, Shri R. S.
Dube, Shri Mulchand
Dutt , Shri S. K.
Dwivedi. Shri D. P.
Dwivedi, Shri M. L.
Eacharan, Shri I.
Ebenezer, Dr.
Gadgil, Shri
Gadilingana Gowd, Shri
Gandhi, Shri Feroz
Gandhi, Shri M. M.
Ganga Devi, Shrimati
Ganpati Ram, Shri
Garg, Shri R. P.
Gautam, Shri C. D.
Ghose, Shri S. M.
Ghosh, Shri A.
Ghulam Qader, Shri
Gidwani, Shri
Giri, Shri V. V.
Giridhari Bhoi, Shri
Gopalan, Shri A. K.
Gounder, Shri K. P.
Gounder, Shri K. S.
Govind Das, Seth
Guha, Shri A. C.
Gupta, Shri Badshah
Gupta, Shri Sadhan
Gurupadaswamy, Shri M. S.
Hansda, Shri Benjamin
Hari Mohan, Dr.
Hasda, Shri Subodh
Hazarika, Shri J. N.
Hembrom, Shri
Hem Raj, Shri
Hukam Singh, Sardar
Hyder Husein, Ch.
Ibrahim, Shri
Iqbal Singh, Sardar
Iyyunni, Shri C. R.
Jain, Shri N. S.
Jajware,Shri
Jangde. Shri
Jatav-vir, Dr.
Jayashri, Shrimati
Jena, Shri K. C.
Jena, Shri Niranjan
Jethan, Shri
Jhunjhunwala, Shri
Jogendra Singh, Sardar
Joshi, Shri Jethalal
Joshi, Shri Liladhar
Joshi, Shri, M. D.
Joshi, Shri N. L.
Joshi, Shrimati Subhadra
Jwala Prashad, Shri
Kajrolkar, Shri
Kale, Shrimati A.
Kamble, Dr.
Kanungo. Shri
Karmarkar, Shri
Kasliwal, Shri
Katham, Shri
Katj, Dr.
Kayal, Shri P. N.
Kazmi, Shri
Keshavaiengar, Shri
Keskar, Dr.
Khan, Shri Sadath Ali
Khedkar, Shri G. B.
Khongmen, Shrimati
Khuda Baksh, Shri M.
Kirlolikar, Shri
Kolay, Shri
Kottukappally, Shri
Krishna, Shri M. R.
Krishna Chandra, Shri
Krishnamachari, Shri T. T.
Krishnappa, Shri M. V.
Lakshmayya, Shri
Lallanji, Shri
Laskar, Shri
Lingam, Shri N. M.
Lotan Ram, Shri
Madiah Gowda, Shri
Mahodaya, Shri
Majhi, Shri R. C.
Majithia, Sardar
Malaviya, Shri K. D.
Malliah, Shri U. S.
Malvia, Shri B. N.
Malviya, Pandit C. N.
Malviya, Shri Motilal
Mandal, Dr. P.
Masoodi, Maulana
Masuriya Din, Shri
Mathew, Shri
Matthen, Shri
Mehta, Shri B. G.
Mehta, Shri Balwant Sinha
Mehta, Shri J. R.
Menon, Shri Damodara
Minimata, Shrimati
Mishra, Shri Bibhuti
Mishra,Shri Lokenath
Mishra, Shri M. P.
Mishra, Shri S. N.
Misra, Pandit Lingaraj
Misra, Shri B. N.
Misra, Shri R. D.
Misra, Shri S. P.
Missir, Shri V.
Mohiuddin, Shri
Morarka, Shri
More, Shri K. L.
More, Shri S. S.
Muhammed Shaffee, Chaudhuri
Mukerjee, Shri H. N.
Mukne, Shri Y. M.
Muniswamy, Shri N. R.
Murthy, Shri B. S.
Muthukrishnan, Shri
Naidu. Shri N. R.
Nambiar, Shri
Nanda, Shri
Narasimhan, Shri C. R.
Naskar. Shri P. S.
Nataranjam Shri
Natawadkar, Shri
Nathwani, Shri N. P.
Nayar, Shri V. P.
Nehru, Shri Jawaharlal
Nehru, Shrimati Shivrajvati
Nehru, Shrimati Uma
Neswi, Shri
Nevatia, Shri
Nijalingappa. Shri
Palchoudhury, Shrimatila
Pande, Shri B. D.
Pande, Shri C. D.
Pandey, Dr. Natabar
Pannalal, Shri
Paragi Lal, Ch.
Parekh, Dr. J. N.
Parikh, Shri S. G.
Parmar, Shri R.B.
Pataskar, Shri
Patel, Shri B. K
Patel, Shri Rajeshwar
Patel, Shrimati Maniben
Patena, Shri
Patil, Shri Kanavade
Patil, Shri Shankargauda
Pawar, Shri V. P.
Pillai, Shri Thanu
Prabhakar, Shri Naval
Rachiah, Shri N.
Radha Raman, Shri
Raghavachari, Shri
Raghubir Sahai, Shri
Raghubir Singh, Ch.
Raghunath Singh, Shri
Rahman, Shri M. H.
Raj Bahadur, Shri
Rajabhoj, Shri P. N.
Ramachander, Dr. D.
Ramanand Shastri, Swam
Ramananda Tirtha, Swami
Ramaseshaiah, Shri
Ramaswamy, Shri P.
Ramaswamy, Shri S. V.
Ram Dass, Shri
Ram Krishan, Shri
Ram Saran, Shri
Ram Subhag Singh, Dr,
Ranbir Singh, Ch.
Rane, Shri
Ranjit Singh, Shri
Rao, Shri Rajagopala
Rao, Shri T. B. Vittal
Ray, Shri B. K.
Reddy, Shri Janardhan
Reddy, Shri Viswanatha
Rishang Keishing, Shri
Roy, Shri Bishwa Nath
Rup Narain, Shri
Sahu, Shri Bhagabat
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Saksena, Shri Mohanlal
Samanta, Shri S. C.
Sanganna, Shri
Sankarapandian, Shri.
Sarma, Shri Debendra Nath
Satish Chandra, Shri
Satyawadi, Dr.
Sen, Shri P. G.
Sen, Shrimati Sushama
Sewal, Shri A. R.
Shah, Shri C. C.
Shah, Shri Raichandbhai
Shah, Shrimati Kamlendu Mati
Sharma, Pandit Bikrishna
Sharma, Pandit K. C.
Sharma, Shri D. C.
Sharma, Shri K. R.
Shastri, Shri Algu Rai
Shivananjappa. Shri
Shukla, Pandit B.
Singh, Shri D. N.
Singh, Shri D. P.
Singh, Shri H. P.
Singh, Shri L. Jogeswar
Singh, Shri M. N.
Singh, Shri T. N.
Singhal, Shri S. C.
Sinha, Dr. S. N.
Sinha, Shri Anirudha
Sinha, Shri G. P.
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri Nageshwar Prasad
Sinha, Shri S.
Sinha, Shri Satya Narayan
Sinha, Shri Satenyendra Narayan
Sinha, Shrimtii Tarkeshwari
Sinhasan Singh, Shri
Siva, Dr. Gangadhara
Snatak, Shri
Sodhia, Shri K. C.
Subrahmanyam, Shri T.
Subramania Chettiar, Shri
Sunder Lal, Shri
Suresh Chandra, Dr,
Suriya Prashad, Shri
Swamindhan, Shrimati Ammu
Tandon, Shri
Tek Chand, Shri
Telkikar, Shri
Tewari, Sardar R. B. S.
Thimmaiah, Shri
Thomas, Shri A. M.
Tivary, Shri V. N.
Tiwari, Pandit B. L.
Tiwari, Shri R. S.
Tiwary, Pandit, D. N.
Tripathi, Shri H. V.
Tripathi, Shri V. D.
Tyagi, Shri
Uikey, Shri
Upadhyay, Pandit Munishwar Dutt
Upadhyaya, Shri Shiva Datt
Vaishnav, Shri H. G.
Vaishya, Shri M. B.
Varma, Shri B. B.
Veerasamy, Shri
Venkataraman, Shri
Verma, Shri Ramji

Vidyalankar, Shri A. N.
Vishwanath Prasad, Shri
Vyas, Shri Radhelal
Wilson, Shri
Wodeyar, Shri

NOES

Chatterjee, Shri N. C.
Deshpande, Shri V. G.
Mohata, Shri B.
Majhi, Shri Chaitan
Mughar, Shri
Sharma, Shri Nandlal

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-third of the Members present and voting.

Now the House will take up clause-by clause consideration of the Bill.

Clause 2—(*Amendment of the Seventh Schedule*)

Pandit Thakur Das Bhargava: I beg to move :

(1) Page 1, line 10—

after "commerce" *insert*:

"subject to the provisions of Part XIII of the Constitution"

(2) Page 1, line 14—

add at the end :

"subject to the provisions of Part XIII of the Constitution"

In regard to these two amendments, Sir, I have already given some grounds my note. As I said this morning, during the consideration stage, the framers of the Constitution wanted that trade, commerce and intercourse throughout the country should be free and that the Constitution has been divided into several parts. I said that this entry should be subject to the provision of Part XIII of the Constitution. I submit that so far as this Constitution is concerned, Part XIII of the Constitution must be read as a whole and it is as much a part of the Constitution as any other part. As I read out in the morning, the words in article 301 of the Constitution are as follows :

"Subject to the other provisions of this Part, trade, commerce and intercourse throughout the territory of India shall be free".

Not only that. The Constitution insisted that this must be implemented also. In article 307, we have got a separate provision to give effect to Part XIII of the Constitution. Article 307 runs as follows :

"Parliament may by law appoint such authority as it considers appropriate for carrying out the purposes of article 301, 302, 303 and 304 and confer on the authority so appointed such powers and such duties as it thinks necessary".

The motion was adopted.

It is not as a matter of intellectual interest that the framers of the Constitution included the provision that trade, commerce and intercourse throughout the territory of India shall be free. They also wanted that it should be implemented.

What is the meaning of these words, "trade, commerce and intercourse throughout the territory of India shall be free"? If it has got any meaning and if this is a justiciable right just like other fundamental rights, then, it only means that unless public interest requires otherwise, no restriction shall be put in regard to trade, commerce and intercourse throughout India. I do not want to dilate upon this. As I said in the morning—I do not want to repeat it—the oneness of India and the unity of India can be secured only by measures like this. If people do not feel that the whole country is theirs by virtue of the fact that they are citizens of India, and if the benefits which Nature has conferred or the Government by its exertions has conferred or the people of the States have by their own exertions conferred on the country are not shared by all in the country, I feel that trade, commerce and intercourse throughout the territory of India shall not be said to be free.

In regard to this matter, my attention has been drawn by the hon. Finance Minister to article 304(a) and (b). May I humbly draw his attention to article 306 of this Part XIII which again speaks of taxes and duties in Part B States. Sub-clause (a) of article 304 also indicates that there is another restriction on the taxation on goods by any State. So, it may not be the only kind of restriction which this part envisages. But there is no doubt that it is a kind of restriction. Even a perusal of article 304 will prove that this taxation has been considered as a sort of restriction. It is quite true that in article 304 (a), we have got a tax of a certain description which is in the nature of a discriminatory tax. There can be other kinds of taxation. If this kind of tax

[Pandit Thakur Das Bhargava]

is a restriction. I am emboldened by the principle of *ejusdem generis* that any other kind of tax will also be regarded as a restriction provided it does not satisfy the test given in article 304 or other articles. I maintain that in every such taxation, it is the business of Parliament and it is the business of those who bring Bills of this nature to satisfy this Parliament that in the public interest alone such a restriction can be put. Article 301 makes it clear that Parliament can impose restrictions only if it is in the public interest. I do not maintain that it is not in the public interest to bring this legislation or bring this kind of a Bill. I myself think that it is in the public interest. This is the test. At the same time, I want to insist that in any Bill this test must be satisfied. It must be said in the Bill that in the public interest this is being done. Unless this is done, I understand this is a justiciable right according to the Constitution, and any person can go to the Supreme Court and say, this Act is not binding upon me. At the same time, if a person goes to the Supreme Court, I am sure that the Supreme Court will come to the conclusion so far as this bill is concerned that it is in the public interest that we are doing all this. It is not my objection that the test of public interest is not satisfied. All that I submit is that in every such legislation, unless you make Part XIII applicable, you are not doing the right thing. All these are subject to Part XIII. I understand that on this question, Government has no difference with me. I understand that Government also thinks that Part XIII applies. If that is so, what I submit is only making explicit what is implicit. I say that in all such legislation which go against this principle which we have accepted as the basic principle of our Constitution that trade, commerce and industry shall be free, whenever a Bill is brought, we must see that public interest requires it. In the case of the States, I understand that they can put only reasonable restrictions with the consent of the Central Government. Otherwise, they cannot put restrictions. If that is so, the Constitution has already provided such safeguards for us as we want. If this interpretation is correct, I think that what the Finance Minister is doing is perfectly right. He can insist on the States also that they are not masters of their sweet will. Unless they take the consent of the Central Government, they cannot enact measures. Already the safeguards are there. If you accept this amendment you will only be doing what is basically proper and absolutely clear also. Only these words are not there. I want that these words may be added. I submit that amendments 1 and 3 may be accepted by the House. These words are only a paraphrase of Article 113(2) as it exists today in the Constitution and nothing more.

Shri C. D. Deshmukh : I have already said something in regard to this. I agree that our view is that it is not necessary to specify when you are undertaking an amendment of the Constitution, that a particular Part of the Constitution specifically applies to it. There is no need to say that a particular entry in a list is subject to this Part or that Part because it will be so subject whenever the text so requires whether we expressly say so or not. For example, take entry No. 42 inter-State trade and commerce. There, again, I would say that it is subject to Part XIII. For this reason, I do not consider that it is necessary to have this insertion.

The other point is a minor point that I made that in construing this Part, one would refer to taxation only the extent to which normally it is referred to in article 304(a) and, as the hon. Member points out, article 306. I would not go to the length of saying that a situation would not arise where some other unconscionable mode of taxation might not amount to a violation of some other Part of it. It is not necessary to join issue with him on that particular matter. But, in the main, I still adhere and I am advised by my legal advisers that it is not necessary to have this specifically mentioned. Therefore, I would request the hon. Member to withdraw his amendments.

Pandit Thakur Das Bhargava : My amendments may not be put, I would like to withdraw them. In view of the statement made by the hon. Finance Minister, there is absolutely no difference in our views.

Mr. Speaker : I have not placed them before the House yet. All the same I shall put it to the House whether the Hon. Member has the leave of this House to withdraw.

The amendments were, by leave, withdrawn

Mr. Speaker : There are no other amendments to clause 2. Instead of hon.

Members having to go to the lobbies four times, I propose that the voting on this clause may stand over. I will put all the clauses to the vote of the House together unless any hon. Member says that a particular clause should be voted separately.

Some Hon. Members: Yes.

Mr. Speaker: The voting on clause 2 will stand over. We take up clause 3.

Clause 3— (*Amendment of Article* 269)

Pandit Thakur Das Bhargava: I have got amendments 4 and 5. In view of the obseravtions on amendments 1 and 3, I do not propose to move them.

Mr. Speaker: The same thing applies to them also. They are similar amendments. There is no other amendment. Voting on clause 3 also will stand over. We take up clause 4.

Clause 4—(*Amendment of article* 286)

Pandit Thakur Das Bhargava: I beg to move:

(i) Page 2 line 13—

before "Any law" *insert* "(a)"

(ii) *after* line 19 *add:*

"(b) any law of a State shall in so far as it imposes or authorises the imposition of a tax on the sale or purchase of goods not mentioned in the preceding sub-clause (a) shall be subject to such restriction and conditions as Parliament may by law impose in the interests of uniformity in the State or with the other parts of India or of equitable incidence of the tax or freedom from taxation of goods which constitute necessaries of life for the State concerned."

(ii) Page 2—

lines 15 and 16—

for "to be of special importance in inter-State trade or commerce" substiutte: "to be essential for the life of the community"

(iii) Page 2—

line 16—

after "trade or commerce" *insert*:

or which are declared to be necessaries of life"

(iv) Page 2—

line 16—

after "trade or commerce" *insert*:

"including among others foodgrains, coarse cloth, salt, kerosene and fodder"

(v) Page 2—

after line 19, *add*:

"(4) No law made by the Legislature of a State imposing or authorising the imposition of a tax on the sale or purchase of any such goods as have been declared by Parliament by law to be necessaries of life for the State concerned or for the whole of India shall have effect unless it has been reserved for the consideration of the President and has received his assent.

(5) All such laws shall be made and taxes, if any, levied shall be subject to the provisions of Part XIII of the Constitution."

(vi) Page 2—

after line 19, *add*:

"(4) No law made by the Legislature of a State imposing or authorising the imposition of a tax on the sale or purchase of any such goods as have been declared by Parliament by law to be essential for the life of the community shall have effect unless it has been reserved for the consideration of the President and has received his assent."

Shri Sadhan Gupta (Calcutta South-East): I beg to move:

Page 2, line 15—

after "to be" *insert* "essential for the life of the community or"

Shri Jhunjhunwala: I beg to move:

(i) Page 2, line 16—

after "importance" *insert*:

"or articles essential to the life of the community"

(ii) Page 2—

after line 19, *add*—

"(4) No law made by the Legislature of a State imposing or authorising the imposition of a tax on the sale or purchase of any such goods as have been declared by law to be essential for the life of the community shall have effect unless

[Shri Jhunjhunwala]

it has been reserved for the consideration of the President and has received his assent."

Mr. Speaker: All these amendments are before the House.

Pandit Thakur Das Bhargava: In regard to these amendments, apart from the amendments which have been the subject matter of discussion already before this House, I do not propose, at this stage, to adduce further arguments. I beg to make a few submissions with regard to amendment No. 7.

We have heard the hon. Finance Minister. He has been very kind to tell us what is passing in his mind. He has been pleased to give us very cogent reasons why he is accepting the report of the Taxation Inquiry Commission. One thing is clear to my mind. He says that it is not a case for bargaining, and as between the Centre and the States, they will arrive at a result which is beneficial to the country, that the States will not insist on anything and our Government need not insist on anything which is not beneficial to the country. From that very standpoint, my stand is this. Let the Finance Minister go to any part of the country and take the opinion of the people who are concerned. As I said before, so far as necessaries of life are concerned, 99.9 recurring per cent will be found to favour the point of view which I am submitting. I am very glad that some of the Cabinet Ministers think like me. I am further glad, and I believe in my heart of hearts that the hon. Finance Minister is one of them who think like me that necessaries of life are the last things which should be taxed so far as the poorest people in the land are concerned. On the contrary, we have changed our opinion in deference to the opinion of the Finance Minister. I was always of the opinion that, what to speak of necessaries of life, even essentials should not be taxed. In view of the Second Plan and other circumstances, we are convinced by his reasoning that unless and until the common man is asked to pay, our Plan will not be successful. It is in view of this consideration that I have submittted already that I do not insist about the word 'essential'. Let this word not remain there. Even if necessaries of life are put instead, I shall be content. But, in regard to one thing, which forms the subject-matter of amendment No. 7, I must say this. I have divided it into two parts. The present amendment will become part (a) and my amendment will become part (b). The amendment is :

Page 2.

(i) line 13—

before "Any law" *insert* "(a)".

(ii) After line 19, *add*—

> "(b) any law of a State shall in so far as it imposes or authorises the imposition of a tax on the sale or purchase of goods not mentioned in the preceding sub-clause (a) shall be subject to such restriction and conditions as Parliament may by law impose in the interests of uniformity in the State or with the other parts of India or of equitable incidence of the tax or freedom from taxation of goods which constitute necessaries of life for the State concerned."

According to my reading of the proposed amendment though by sub-clause (3) of article 286 being taken away Parliament is losing its right of protecting the poor man from the effects of a tax which the States may choose to levy, sub-clause (3) of clause 4 is countervailing in effect, and Parliament is being recompensed by this clause for the power under 286 (3) being taken away. I feel that now Parliament will get the power of putting restrictions and conditions in regard to the system of levy, rates and other incidents of the taxes as exist even today. I believe if this is passed, and I understand the States have accepted it, the result will be that this Parliament or the Central Government will be able to see that other taxes, onerous taxes which have been already put by the States are subjected to revision, and thus far we are gaining.

In regard to other matters which are of special importance, I do not want to take away the liberty of the States, but I do want that so far as uniformity of taxation is concerned, so far as equitable incidence of tax is concerned and so far as freedom of taxation of goods which are necessaries of life is concerned, they must be secured to every State. If this is true that the States and the Union are parts of one whole and the Union has got a responsibility not less than that of the States so far as the necessaries of life are concerned, these persons living in the States are not citizens of the States, but they are all citizens of India, and if there is to be equal-

ity so far as taxes are concerned, I insist with all the force at my command that so far as the States are concerned, there must be uniformity, there must be freedom not to tax the necessaries of life and there should also be uniformity in even different parts of the States.

As I gave an example, there may be competition between States. For instance, Punjab does not put sales tax of a particular amount and the Delhi State taxes much less. What would happen? The trade and commerce would flow away from the Punjab and come to Delhi and therefore there will be competition between the States. They will try to see that their inhabitants are benefited to an equal degree and ultimately there may be such a competition between them that they will not agree to any uniform rates.

Who is going to bring uniformity? It is only the Centre which can bring uniformity. Why has the Centre taken charge of inter-State trade and commerce?—because the States are unable to do anything. I should think that in the interests of the fundamental rights that we have got, in the interests of the peace and contentment of the people, in the interests of people not being taxed too heavily by the States, it is necessary that in regard to matters which are not of special importance the States should agree in fairness to this power being taken by the Centre. Why should the States think that the centre will not be just to them. I think when the States approach the Centre will be quite just. This Second Five Year plan is not only the responsibility of States. It is a joint responsibility. I think the Centre will see that the States are given funds. The Finance Commission is coming. It will take care to see that all the States get certain amount of revenues etc. It is absolutely unfair and no person in India will be satisfied if there is such a great difference in taxes between Punjab and Bombay for example that it cannot be reconciled.

Cotton if taken to Bombay from the Punjab will be capable of being influenced or regulated by the Centre, but the coarse cloth which comes from Bombay will not be regulated by the Centre. I cannot understand the logic of it. The hon. Minister was pleased to read a telegram in which the Finance Minister of a State says: "You may say 'raw materials' but not 'goods". What does it mean? The State Minister must be belonging to a State which is interested in manufactured goods. He may belong to Bombay, he may belong to some other State, but I think so far as uniformity of taxation is concerned, so far as equal liability to taxes is concerned, it is of the utmost importance that this kind of power should not be given to the States. They may discriminate and they may make such laws as practically some if not within the mischief of article 304 at least within the extended scope of article 304. No discrimination should be there between Indian and Indian, to whatever State he may belong. What is the meaning of free trade and free intercourse? They are not free as long as you have got discriminatory taxes.

I would suggest to the House therefore that it should divide the entire clause into two parts: goods of special importance in which special powers may be given, and other goods in which at least uniformity of taxation as well as freedom not to tax necessaries of life and equitable incidence of taxation should be secured. I therefore submit that these amendments should be accepted. They are not revolutionary. For instance in amendment 11, I have said 'including among others foodgrains, coarse cloth, salt, kerosene and fodder."

My humble submission is that if even this cannot be accepted now, if the House gets an assurance that in the Bill that is coming the hon. Finance Minister will kindly consider all these matters and do what he can, it will be very good for the House and the Finance Minister will have done his duty by us. If he gives us that assurance, I think we will have secured the best that we can out of this Bill.

श्री झुनझुनवाला : जब मैं जनरल डिसकशन (सामान्य चर्चा) के समय बोला था तो मैं ने इन दोनों बातों के बारे में कहा था। मैं चाहता हूं कि इसमें "or essential requirements of life' (अथवा जीवन की अत्यावश्यक वस्तुयें) यह रहना चाहिये। हमारे वित्त मंत्री जी ने कहा है कि वह आश्वासन तो नहीं दे सकते परन्तु हो सकता है कि जब बिल आवे तो उसमें फुड ग्रेन्स (खाद्यान्न) और कुछ दूसरी आवश्यक चीजें शामिल की जायें। इसलिये मेरी उनसे प्रार्थना है कि वे मेरे अमेंडमेंट (संशोधन) नम्बर १७ को स्वीकार कर लें।

[श्री झुनझुनवाला [

मैं ने अपने एमेंडमेंट नम्बर १९ में कहा है कि क्लाज (खण्ड) ३ सेक्शन (धारा) २८६ को क्यों हटा दिया गया है । उसे रखा जाना चाहिये । इसमें तो उन लोगों को क्या आपत्ति हो सकती है कि वे लोग जो कानून बनावें उसे प्रेसीडेंट की रजामन्दी की जरूरत हो । अभी तक जब भी आवश्यकता हुई है और स्टेट वालों ने कानून बनायें हैं तो राष्ट्रपति की रजामन्दी ली गयी है और वह दी गयी हैं । अभी जो उत्तर प्रदेश में ला बना दिया गया है और आवश्यक चीजों पर कर लगा दिया गया है जिससे वहां बड़ा भारी आन्दोलन हो रहा है । यदि ऐसे मामलों में प्रेसीडेंट के हाथ में रजामन्दी रहे तो स्टेट वालों पर एक अंकुश रहेगा औ जो चीज इन्साफ की होगी और ठीक होगी वह मंजूर की जायेगी । इसलिये मेरी राय है कि इस क्लाज को रखना चाहिये ।

Shri Sadhan Gupta (Calcutta South-East): I have moved amendment 8 to clause 4. reading thus :

Page 2, line 15,

after "to be" *insert* "essential for the life of the community or".

I do not agree entirely with the point of view from which Pandit Thakur Das Bhargava has approached this clause. He wants to bring about uniformity through out the country in the matter of taxation, and he thinks that different taxes in different States are contrary to the unity of the country. May I point out to him that the very principle of federalism, on which our Constitution is largely based, pre supposes that there would be distinct kinds of administration and distinct kinds of laws as between different parts of the country ?

My hon. friend has also raised the question of discrimination and brought in article 14. A similar law exists even in the United States of America. But even in spite of the existence of such a law and such a constitutional provision, diversity as between States, and in the States, diversity of so many local provisions as between forty-eight States is not supposed to be a breach of the provision of the Constitution guaranteeing equality before the law or equal protection of the laws.

It is bound to happen that when we have so many diverse sections of the country, which have to be kept separate for the purpose of administration, and for the purposes of self-development, it is essential that the provisions of law and also taxes would differ. Taxes would have to be imposed according to the resources of the particular State. In one State, the taxes may be low because of the lower paying capacity of the people. In another State, the taxes may be higher because of the greater development which it has undergone. Therefore, there is no sense in insisting on uniformity and even less sense in imposing the decision of this Hosue on the States which are autonomous sections.

This is the objection which I have to Pandit Thakur Das Bhargava's approach. But there is some force in his argument, as far as the question of essential commodities is concerned. There is some force in his argument that there should be some kind of uniformity in the taxation of essential commodities, because otherwise there is a risk of a considerable amount of smuggling as between the different parts of India, particularly as between neighbouring States. For instance, if rice or wheat or pulses were taxed one way in one State, and heavier or lighter taxes were imposed in another State, then there would be very extensive smuggling across the border, and the economy may be upset. Therefore, it may be desirable to give some power to Parliament to formulate some principle for bringing about some uniformity or some uniform principles, in the rate of taxes, the way the taxes have to be levied and so on and so forth, so that these differences may not arise in the case of essential commodities. Similarly, it may be desirable, when an article is of special importance for inter-State trade or commerce, to impose certain uniformities.

From that point of view, I think the new clause 3 which is proposed to article 286 is an improvement on the old clause, except for the fact that the commodities essential for the life of the community have been excluded from it. The old clause 3 of article 286 suffered from this very grave defect that where a law was passed by a State on a matter of this nature, it was made subject to the assent of the President, which is the assent of the Central Government. There was something preposterous to make a State law subject to the assent of the Central Government, because

there would be no knowing of what principles the Central Government would follow in granting assent to any law. It is a very undesirable state of things, by which the Central Government could set provincial autonomy at nought in regard to certain taxes or certain other matters. Therefore, it is a good thing, and it is a very desirable thing, that the insistence on the assent of the Central Government has now been dropped, and instead what we have is certain well-defined principles which will be formulated by the House. The States will know where they are. The States will know what they have to observe in the matter of the rates, the system of levy and so on, and therefore, they will not have to run to the Central Government or await the pleasure of the Central Government for the bringing into force of their laws. That way, the new clause is certainly an improvement. But I think it would have been better if commodities essential for the life of the community had also been included in it. That is why I had suggested by my amendment No. 8, that besides commodities of special importance for inter-State trade or commerce, commodities essential for the life of the community may also be included in this, so that levy of sales-tax on such commodities, if it is made at all, is to be made subject to certain principles.

Of course, sales-tax on such commodities should be levied with great care, if it has to be levied at all, because in many cases, it will hit the poorer sections of the population very hard, and it may reduce the standard of living of the population even further. Already, the standard of living of the people is low enough. If the essential commodities also are going to be taxed, then the standard of living will be in great jeopardy. However, if the essential commodities are to be taxed at all, they must be taxed in accordance with certain principles, and they should not be taxed in such a way that there is temptation for extensive smuggling between different States, for, in that case, the result will be an upsetting of the economy of one State or another, and it may lead to great misery among the population.

With these words, I commend my amendment for the acceptance of the House.

Mr. Speaker: I shall now put the amendments to vote. First, I shall take up Pandit Thakur Das Bhargava's amendments.

The question is :

Page 2—

(i) line 13—

before "any law" *insert* "(a)"

(ii) *after* line 19, *add* :

"(b)" any law of a State shall in so far as it imposes or authorises the imposition of a tax on the sale or purchase of goods not mentioned in the preceding sub-clause (a) shall be subject to such restriction and conditions as Parliament may by law impose in the interests of uniformity in the State or with the other parts of India or of equitable incidence of the tax or freedom from taxation of goods which constitute necessaries of life for the State concerned."

The motion was negatived.

Mr. Speaker: The question is :

Page 2, lines 15 and 16—

for "to be of special importance in inter-State trade or commerce" *substitute*:

"to be essential for the life of the community"

The motion was negatived.

Mr. Speaker: The question is :

Page 2 line 16—

after "trade or commerce" *insert*:

"or which are declared to be necessaries of life"

The motion was negatived.

Mr. Speaker: The question is :

Page 2, line 16—

after "trade or commerce" *insert*:

"including among others foodgrains, coarse cloth, salt, kerosene and fodder."

The motion was negatived.

Mr. Speaker: The question is :

Page 2—

after line 19, *add* :

"(4) No law made by the Legislature of a State imposing or

[Mr. Speaker]

authorising the imposition of a tax on the sale or purchase of any such goods as have been declared by Parliament by law to be necessaries of life for the State concerned or for the whole of India shall have effect unless it has been reserved for the consideration of the President and has received his assent.

(5) All such laws shall be made and taxes if any levied shall be subject to the provisions of Part XIII of the Constitution."

The motion was negatived.

Mr. Speaker: The question is:

Page 2—

after line 19, *add*:

"(4) No law made by the Legislature of a State imposing or authorising the imposition of a tax on the sale or purchase of any such goods as have been declared by Parliament by law to be essential for the life of the community shall have effect unless it has been reserved for the consideration of the President and has received his assent."

The motion was negatived.

Mr. Speaker: Then, there are amendments Nos. 17 and 19 by Shri Jhunjhunwala. Does the hon. Member want to put them to vote?

Shri Jhunjhunwala: I would like to withdraw them.

Mr. Speaker: Has the hon. Member leave of the House to withdraw his amendments?

Several Hon. Members: Yes.

The amendments were, by leave, withdrawn.

Mr. Speaker: The question is:

Page 2, line 15—

after "to be" *insert* "essential for life the community or."

The motion was negatived.

Mr. Speaker: I shall now put all the clauses together to vote.

The question is:

"That clauses 2, 3 and 4 stand part of the Bill".

Pandit Thakur Das Bhargava: What about the Enacting Formula and the Title?

Mr. Speaker: They require a simple majority.

Shri Sadhan Gupta: There should be an amendment to the Title. It should be the Constitution (Sixth Amendment) Bill.

Mr. Speaker: Yes.

I will put clauses 2, 3 and 4 which alone require a special majority. As regards clause 1 (Short Title), the Enacting Formula and the Title, the rule provides:

"Provided further that the Short Title, the Enacting Formula and the Long Title may be adopted by a simple majority".

Also there is an amendment to the Short Title. Unless it should create any impression as to any precedent for the future that clause 1 also requires a special majority, I will put clause 1 separately.

The question is:

"That clauses 2, 3 and 4 stand part of the Bill."

The Lok Sabha divided: *Ayes 328 Noes 2.

Division No.5 AYES 4·44 P. M.

Abdullabhai, Mulla	Babunath Singh, Shri	Bharati, Shri G. S.
Abdus Sattar, Shri	Badan Singh, Ch.	Bhargava, Pandit M. B.
Achal Singh, Seth	Balkrishnan, Shri	Bhargava, Pandit Thakur Das
Achuthan, Shri	Balasubramaniam, Shri	Bhatkar, Shri
Agarawal, Shri H. L.	Baldev Singh, Sardar	Bhatt, Shri C.
Agarawa , Shri M L.	Balmiki, Shri	Bhawanji, Shri
Ajit Singh, Shri	Bansal, Shri	Bheekha Bhai, Shri
Akarpuri, Sardar	Barman, Shri	Bidari, Shri
Altekar, Shri	Barupal, Shri P.L.	Birbal Singh, Shri
Ansari, Dr.	Basappa, Shri	Borker, Shrimati Anusayabai
Asthana, Shri	Bhagat, Shri B. R.	Borooah, Shri
Azad Shri Bhagwat Jha	Bhakat Darshan, Shri	Bose, Shri P. C.

*The result of this is applicable to each of the clauses 2, 3 and 4 separately.

Brajeshwar Prasad, Shri
Brohmo-Choudhury, Shri
Buchhikotaiah, Shri
Chakravartty, Shrimati Renu
Chaliha, Shri Bimalaprosad
Chanda, Shri Anil K.
Chandak, Shri
Chandrasekhar, Shrimati
Charak, Th Lakshman Singh
Chatterjee, Dr. Susilranjan
Chaturvedi, Shri
Chaudhary, Shri G. L.
Chavda, Shri
Chettiar, Shri Nagappa
Chowdary, Shri C.R.
Chowdhury, Shri N. B.
Dabhi, Shri
Damodaran, Shri Nettur P.
Das, Dr. M. M.
Das, Shri B.
Das, Shri B. K.
Das, Shri K. K.
Das, Shri N. T.
Das, Shri Ram Dhani
Das, Shri Ramananda
Das, Shri Shree Narayan
Datar, Shri
Deb, Shri S. C.
Desai, Shri K. N.
Desai, Shri Khandubhai
Deshmukh, Dr. P. S.
Deshmukh, Shri C. D.
Deshmukh, Shri K. G.
Deshpande, Shri G. H.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Digambar Singh, Shri
Diwan, Shri R. S.
Dube, Shri Mulchand
Dubey, Shri R. G.
Dutta, Shri S. K.
Dwivedi, Shri D. P.
Dwivedi, Shri M. L.
Eacharan, Shri I.
Ebenezer, Dr.
Gadgil, Shri
Gadilingana Gowd, Shri
Gandhi, Shri Feroze
Gandhi, Shri M. M.
Gandhi, Shri V. B.
Ganga Devi, Shrimati
Ganpati Ram, Shri
Garg, Shri R. P.
Gautam, Shri C. D.
Ghose, Shri S. M.
Ghosh, Shri A.
Giri, Shri V. V.
Gopalan, Shri A. K.
Gounder, Shri K. P.
Gounder, Shri K. S.
Govind Das, Seth
Guha, Shri A. C.
Gupta, Shri Badshah
Gupta, Shri Sadhan
Gurupadaswamy, Shri M. S.
Hansda, Shri Benjamin
Hari Mohan, Dr.
Hasda, Shri Subodh
Hazarika, Shri J. N.
Hembrom, Shri
Hem Raj, Shri
Hukam Singh, Sardar
Hyder Husein, Ch.
Ibrahim, Shri
Iqbal Singh, Sardar
Iyyunni, Shri C. R.
Jagjivan Ram, Shri
Jain, Shri N. S.
Jajware, Shri
Jangde, Shri
Jatav-vir, Dr.
Jayashri, Shrimati
Jena, Shri K. C.
Jena, Shri Niranjan
Jeshan, Shri
Jhunjhunwala, Shri
Jogendra Singh, Sardar
Joshi, Shri Jethalal
Joshi, Shri Liladhar
Joshi, Shri M. D.
Joshi, Shri N. L.
Joshi, Shrimati Subhadra
Jwala Prashad, Shri
Kajrolkar, Shri
Kale, Shrimati A
Kamble, Dr.
Kanungo, Shri
Karmarkar, Shri
Kasliwal, Shri
Katham, Shri
Katju, Dr.
Kazmi, Shri
Keshavaiengar, Shri
Keskar, Dr.
Khan, Shri Sadath Ali
Khedkar, Shri G. B.
Khongmen, Shrimati
Khuda Baksh, Shri M.
Kirlolikar, Shir
Kolay Shir
Kottukappally, Shri
Krishna, shri M. R.
Krishna Chandra, Shri
Krishnamachari, Shri T.T.
Krishnappa, Shri M. V
Nakshmayya Shri
Lalalnji, Shri
Laskar, Shri
Lingam, Shri N. M.
Lotan Ram, Shri
Madiah Gowda, Shri
Majhi, Shri R. C.
Majithia, Sardar,
Malaviya, Shri K. D.
Malliah, Shri U. S.
Malvia, Shri B. N.
Malviya, Pandit C. N.
Malviya, Shri Motilal
Mandal, Dr. P.
Masuriya Din, Shri
Mathew, Shri
Matthen, Shri
Mehta, Shri Balwant Sinha
Menon, Shri Damodara
Minimata, Shrimati
Mishra, Shri Bibhuti
Mishra, Shri Lokenath
Mishra, Shri S. N.
Misra, Pandit Lingaraj
Misra, Shri B. N.
Misra, Shri R. D.
Misra, Shri. S. P.
Misir, Shri V.
Mohiuddin
Morarka, Shri
More, Shri K. L.
More, Shri S.S.
Muhammed Shaffee, Chaudhuri
Mukne, Shri Y. M.
Munishwamy, Shri N. R.
Murthy, Shri B. S.
Muthukrishnan, Shri
Naidu, Shri N. R.
Nair, Shri C. K.
Nambiar, Shri
Nanda, Shri
Narasimhan, Shri C. R.
Naskar, Shri P. S.
Nataranjan, Shri
Natawadkar, Shri
Nayar, Shri V. P.
Nehru, Shri Jawaharlal
Nehru, Shrimati Sivrajvati
Nehru, Shrimati Uma
Neswi, Shri
Nevatia, Shri
Nijalingappal Shri
Palchoudhury, Shrimati Ila
Pande, Shri B. D.
Pande, Shri C. D.
Pandey, Dr. Natabar
Pannalal, Shri
Paragi Lal, Ch.
Parekh, Dr. J. N.
Parikh, Shri S. G.
Parmar, Shri R. B.
Pataskar, Shri
Patel, Shri B. K.
Patel, Shri Rajeshwar
Patel, Shrimati Maniben
Pateria, Shri
Patil, Shri Kanavade
Patil, Shri Shankargauda
Pawar, Shri V. P.
Pillai, Shri Thanu
Prabhakar, Shri Naval
Rachiah, Shri N.
Radha Raman, Shri
Raghavachari, Shri
Raghubir Sahai, Shri
Raghubir Singh, Ch.
Raghunath Singh, Shri
Rahman, Shri M. H.
RajBahadur, Shri
Rajabhoj, Shri P. N.
Ramachander, Dr. D.
Ramaseshaiah, Shri
Ramaswamy, Shri P.
Ramaswamy, Shri S. V.
Ram Dass, Shri
Ram Krishan Shri
Ram Saran, Shri
Ram Subhag Singh, Dr.
Ranbir Singh, Ch.
Rane, Shri
Ranjit Singh, Shri
Rao, Shri Rajagopala
Rao, Shri T. B. Vittal
Ray, Shri B. K.
Reddi, Shri Ramachandra
Reddy, Shri B. Y.
Reddy, Shri Janardhan
Reddy, Shri Viswanatha
Roy, Shri Bishwa Nath
Rup Narain, Shri
Sahu, Shri Bhagabaat
Sahu, Shri Rameshwar
Saigal, Sardar A. S.
Saksena, Shri Mohanlal
Samanta, Shri S. C.
Sanganna, Shri
Sankarapandian, Shri
Sarma Shri Debendra Nath
Satish Chandra, Shri
Satyawadi, Dr.
Sen, Shri P. G.
Sen, Shrimati Sushama
Sewal, Shri A. R.
Shah, Shri C. C.
Shah, Shri Raichandbhai
Sharma, Pandit Balkrishna,
Sharma, Pandit K. C.
Sharma, Shri D. C.
Sharma, Shri K. R.
Shastri, Shri Algu Rai
Shivananjappa, Shri
Shukla, Pandit B.
Singh, Shri D. N.
Singh, Shri D. P.
Singh, Shri H. P.
Singh, Shri L. Jogeswar
Singh, Shri M. N.
Singh, Shri T. N.
Singhal, Shri S. C.
Sinha, Dr. S. N.
Sinha, Shri A. P.
Sinha, Shri Anirudha
Sinha, Shri G. P.
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri Nageshwar Prasad
Sinha, Shri S.
Sinha, Shri Satya Narayan
Sinha, Shri Satyendra Narayan
Sinha, Shrimati Tarkeshwari
Sinhansan Singh, Shri
Siva, Dr. Gangadhara
Snatak, Shri
Sodhia, Shri K. C.
Subrahmanyam, Shri T.
Subramania Chettiar, Shri
Sunder Lal, Shri
Suresh Chandra, Dr.
Suriya Prashad, Shri
Swaminathan, Shrimati Ammu
Tandon, Shri
Tek Chand, Shri
Telkikar, Shri
Tewari, Sardar R. B. S.
Thimmaiah, Shri
Thomas, Shri A. M.
Tivary, Shri V. N.
Tiwari, Pandit B. L.
Tiwari, Shri R. S.
Tiwary, Pandit D. N.
Tripathi, Shri H. V.
Tripathi, Shri K. P.
Tripatni, Shri V. D.
Tyagi, Shri
Uikey, Shri
Upadhyay, Panit Munishwar Dutt
Upadhyaya, Shri Sivha Datt
Vaishnav, Shri H. G.
Vaishya, Shri M. B.
Varma, Shri B. B.
Veeraswamy, Shri
Venkataraman, Shri

Verma, Shri Ramji.
Vidyalnkar, Shri A. N.
VishwanathPrasad,Shri
Vyas, Shri Radhelal
Wilson Shri J. N,
Wodeyar, Shri

NOES

Deshpande, Shri V. G.
Sharma Shri Nand Lal

The motion was adopted.

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 2, 3 and 4 were added to the Bill

Clause 1—(*Short Title*)

Shri C. D. Deshmukh: I beg to move:

In page 1, line 3—

for "(Tenth Amendment)" *substitute* "(Sixth Amendment)"

I have been advised that this will be actually the sixth Bill to be passed. Subject to scrutiny, it should be sixth and not tenth.

Mr. Speaker: The question is:

In page 1, line 3—

for "(Tenth Amendment)" *substitute* "(Sixth Amendment)".

The motion was adopted.

Mr. Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended was added to the Bill.

Mr. Speaker: The question is:

"That the Enacting Formula and the Title, stand part of the Bill."

The motion was adopted.

The Enacting Formula and the Title were added to the Bill.

Shri C. D. Deshmukh: I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The Lok Sabha divided: Ayes 333; Noes 2.

DIVISION No. 6

AYES

5 P. M.

Abdullabhai, Mulla
Abdus Sattar, Shri
Achal Singh, Seth
Achuthan, Shri
Agarwal, Shri H. L.
Agarwal, Shri M. L.
Ajit Singh, Shri
Akarpuri, Sardar
Altekar, Shri
Ansari, Dr.
Asthana, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Badan Singh, Ch.
Balakrishnan, Shri
Balasubramaniam, Shri
Baldev Singh, Sardar
Balmiki, Shri
Bansal, Shri
Barman, Shri
Barupal, Shri P. L.
Baruppa. Shri
Bhagat, Shri B. R.
Bhakt Darshan, Shri
Bharati, Shri G. S.
Bhargava, Pandit M. B.
Bhargava, Pandit Thakur Das
Bhatkar, Shri
Bhatk, Shri C.
Bheekha Bhai, Shri
Bidari, Shri
Birleal Singh, Shri
Borkar, Shrimati Anusayabai
Borooha, Shri
Bose, Shri P. C.
Brajeshwar Prasad, Shri
Brohmo-Choudhury, Shri
Chakravartty, Shrimati Renu
Chaliha, Shri Bimalaprosad
Chanda, Shri Anil K.
Chandak, Shri
Chandrasekhar, Shrimati
Charak, Th. Lakshman Singh
Chatterjee, Dr. Susilranjan
Chaturvedi, Shri
Chaudhary, Shri G. L.
Chavda, Shri
Chettiar, Shri Nagappa
Chowdary, Shri C. R.
Chowdhury, Shri N. B.
Dabhi, Shri
Damodaran, Shri Nettur P.
Das Dr. M. M.
Das Shri B.
Das Shri B. K.
Das, Shri K. K.
Das, Shri N. T.
Das, Shri Ram Dhani
Das, Shri Ramananda
Das, Shri Sarangadhar
Das, Shri Shree Narayan
Datar, Shri
Deb Shri S. C.
Desai, Shri K. N.
Desai, Shri Khandubhai
Deshmukh, Dr. P. S.
Deshmukh, Shri C. D.
Deshmukh, Shri K. G.
Deshpande, Shri G. H.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Digambar Singh, Shri
Diwan, Shri R. S.
Dube, Shri Mulchand
Dubey, Shri R. G.
Dutta, Shri S. K.
Dwivedi, Shri D. P.
Dwivedi, Shri M. L.
Eacharan, Shri I.
Ebenezer, Dr.
Fotedar, Panit
Gadgil, Shri
Gadilingana Gowd, Shri
Gandhi, Shri Feroze
Gandhi, Shri M. M.
Gandhi, Shri V. B.
Ganga Devi, Shrimati
Gangapati Ram, Shri
Garg, Shri R. P.
Gautam, Shri C. D.
Ghose, Shri S. M.
Ghosh, Shri A.
Ghulam Qadar, Shri
Gidwani, Shri
Giri, Shri V. V.
Gopalan, Shri A. K.
Gounder, Shri K. P.

Gounder, Shri K. S.
Govind Das, Seth
Guha, Shri A. C.
Gupta, Shri Badshah
Gupta, Shri Sadhan
Gurupadaswamy, Shri M. S.
Handsda, Shri Benjamin
Hari Mohan, Dr.
Hasda, Shri Subodh
Hazarika, Shri J. N.
Hembrom, Shri
Hem Raj, Shri
Hukam Singh, Sardar
Hyder Husein, Ch.
Ibrahim, Shri
Iqbal Singh, Sardar
Ivyunni, Shri C. R.
Jagjivan Ram, Shri
Jain, Shri N. S.
Jajware, Shri
Jangde, Shri
Jatav- vir, Dr.
Jayashri, Shrimati
Jethan, Shri
Jhunjhunwala, Shri
Jogendra Singh, Sardar
Joshi, Shri Jethalal
Joshi, Shri Liladhar
Joshi, Shri M. D.
Joshi, Shri N. L.
Joshi, Shrimati Subhadra
Jwala Prashad, Shri
Kajrolkar, Shri
Kale, Shrimati A.
Kamble, Dr.
Kanlngo, Shri
Karmarkar, Shri
Kasliwal, Shri
Katham, Shri
Katju, Dr.
Kazmi, Shri
Keshavaiengar, Shri
Keskar, Dr.
Khan, Shri Sadath Ali
Khedkar, Shri G. B.
Khongmen, Shrimati
Khuda Baksh, Shri N. M.
Kirolikar, Shri
Kolay, Shri
Kottukappily, Shir
Krishna, Shri M. R.
Krishna Chandra, Shri
Krishamachari, Shri T. T.
Krishnappa, Shri M. V.
Lakshmayya, Shri
Lallanji, Shri
Laskar, Shri
Lingam, Shri N. M.
Lotan Ram, Shri
Madiah Gowda, Shri
Majhi, Shri R. C.
Majithia, Sardar
Malaviya, Shri K. D.
Malliah, Shri U. S.
Malvia, Shri B. N.
Malviya, Pandit C. N.
Malviya, Shri Motilal
Mandal, Dr. P.
Masuodi, Maulana
Masuriya Din, Shri
Mathew, Shri
Matthen, Shri
Mehta, Shri B. G.
Mehta, Shri Balwant Sinha
Menon, Shri Damodara
Minimata, Shrimai
Mishra, Shri Bibhuti
Mishra, Shri Lokenat
Mishra, Shri S. N
Misra, Pandit Lingaraj
Misra, Shri B. N.
Misra, Shri R. D.
Misra, Shri S. P.
Missir, Shri V.
Mohiuddin
Morarka, Shri
More, Shri K. L.
More, Shri K. L.
More, Shri S. S.
Muhammed Shaffee, Chaudhuri
Mukne, Shri Y. M.
Muniswamy, Shri N. R.
Murthy, Shri B. S.
Muthukrishnan, Shri
Naidu, Shri N. R.
Nair, Shri C. K.
Nambiar, Shri
Nanda, Shri
Narasimhan, Shri C. R.
Naskar, Shri P. S.
Nataranjan, Shri
Natawadkar, Shri
Nathwani, Shri N. P.
Nayar, Shri V. P.
Nehru, Shri Jawaharlal
Nehru, Shrimati Shivrajvati
Nehru, Shrimati Uma
Neswi, Shri
Nevatia, Shri
Nijalingappa, Shri
Pachoudhury, Shrimati Ila
Pande, Shri, B. D.
Pande, Shri C. D.
Pandey, Dr. Natabar
Pannalal, Shri
Paragi Lal, Ch.
Parekh, Dr. J. N.
Parish, Shri S. G.
Parmar, Shri R. B.
Pataskar, Shri
Patel, Shri B. K.
Patel, Shri Rajeshwar
Patel, Shrimati Manibhen
Pateria, Shri
Patil, Shri Kanavade
Patil, Shri Shankargauda
Pawar, Shri V. P.
Pillai, Shri Thanu
Prabhakar, Shri Naval
Rachiah, Shri N.
Radha Raman, Shri
Raghavachari, Shri
Raghubir Sahai, Shri
Raghuvir Singh, Ch.
Raghunath Singh, Shri
Rahman, Shri M. H.
Raj Bahadur, Shri
Rajabhoj, Shri P. N.
Ramachander, Dr. D.
Ramanand Shastri, swami
Ramananda Tirtha, swami
Ramaseshaih, Shri
Ramaswamy, Shri P.
Ramaswamy, Shri S. V.
Ram Dass, Shri
Ram Krishan Shri
Ram Saran, Shri
Ram Subhag Singh, Dr.
Ranbir Singh, Ch.
Rane, Shri
Ranjit Singh, Shri
Rao, Shri Rajagopala
Rao, Shri T. B. Vittal
Ray, Shri B. K.
Reddi, Shri Ramachandra
Reddy, Shri B. Y.
Reddy, Shri Janardhan
Reddy, Shri Viswanatha
Roy, Shri Bishwa Nath
Rup Narain, Shri
Sahu, Shri Bhagabat
Sahu, Shri Rameshwar
Saigal, Sardar, A. S.
Saksena, Shri Mohanlal
Samanta, Shri S. C.
Sanganna, Shri
Sankarapandian, Shri
Sarma Shri Debendra Nath.
Satish Chandra, Shri
Satyawadi, Dr.
Sen, Shri P. G.
Sen, Shrimati Sushama
Sewal, Shri A. R.
Shah, Shri C. C.
Shah, Shri Raichandbhai
Sharma, Pandit Balkrishna.
Sharma, Pandit K. C.
Sharma, Shri D. C.
Sharma, Shri K. R.
Shastri, Shri Algu Rai
Shivananjappa, Shri
Shukla, Pandit, B.
Sindh, Shri D. N.
Singh, Shri D. P.
Singh, Shri H. P.
Sindh, Shri L. Jogeswar
Singh, Shri M. N.
Singh, Shri T. N.
Singhal, Shri S. C.
Sinha, Dr, S. N.
Sinha, Shri A. P.
Sihna, Shri Anirudha
Sinha, Shri G. P.
Sinha, Shri Jhulan
Sinha, Shri K. P.
Sinha, Shri Nageshwar Prasad
Sinha, Shri S.
Sinha, Shri Satya Narayan
Sinha, Shri Satyenda Narayan
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Siva, Dr. Gangadara
Snatak, Shri
Sodhia, Shri K. C.
Subrahmanyam, Shri T.
Subramania Chettiar, Shri
Sunder Lal, Shri
Suresh Chandra, Dr.
Suriya Parshad, Shri
Swaminathan, Shrimati Ammu
Tandon, Shri
Tek Chand, Shri
Telkikar, Shri
Tewari, Sardar R. B. S.
Thimmaiah, Shri
Thomas, Shri A. M.
Tivary, Shri V. N.
Tiwari, Pandit. B. L.
Tiwari, Shri R. S.
Tiwary, Pandit D. N.
Tripathi, Shri H. V.
Tripathi, Shri V. D.
Tygi, Shri
Uikey, Shri
Upadhyaya, Shri Shiva Datt
Vaishnav, Shri H. G.
Vaishya, Shri M. B.
Varma, Shri B. B.
Veeraswamy, Shri
Venkataraman, Shri
Varma, Shri Ramji
Vidyalankar, Shri A. N.
Vishwanath Prasad, Shri
Vyas, Shri Radhelal
Wilson, Shri J. N.
Wodeyar, Shri

NOES

Deshpande, Shri V. G.
Sharma, Shri Nand Lal

The motion was adopted.

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. The Bill as amended is passed.

MOTION *RE.* WORKING OF PREVENTIVE DETENTION ACT

The Minister of Home Affairs (Pandit G. B. Pant): I beg to move:

> "That the statistical information on the working of the Preventive Detention Act, 1950, during the period 30th September, 1954 to 31st March, 1956, be taken into consideration."

The motion that I have just placed before the House is a simple and colourless one. It does not involve any large question of policy. I have been given the opportunity of placing before the House, certain facts which the House itself wanted to be supplied from time to time. I am doing no more than carrying out the behest of the House. I am glad to make this motion, as I had to wait for this for a pretty long time. Again and again, I had to go back with a feeling of disappointment but ultimately this has been reached today and I hope the hon. Members will feel satisfied by the information that I have supplied. Even Shri Kamath will, I hope, have no grouse about it. (*Interruptions.*)

Shri Kamath (Hoshangabad): You will know it by and by.

Pandit G. B. Pant: So far as the principle of preventing detention is concerned, it is recognised by our Constitution. The restrictions and conditions prescribed therein for regulating this preventive Act which was passed in preventive detention have been elaborated in the Preventive Detention Act which was passed in 1950. This matter has come before the House on several occasions. It has been the subject of full-dress debates on more than, I think, five occasions. Firstly, we had the discussion when the Constitution was passed and then later when amendments were made and when the life of the original Act was extended from time to time. The last, when the House dealt with this measure, was in December, 1954, when its life was extended by three years. As hon. Members are aware, sufficient care had been taken by the Parliament in laying down the conditions which were to govern the application of the principle of preventive detention. The order for detention could be passed by district officers in all districts, but in bigger cities like Bombay, Calcutta and Hyderabad the Commissioners of Police had also been given that authority, but they had to supply the grounds on which the order of detention was based within five days and, unless the order was ratified by the Government of the State within 12 days, it was deemed to have lapsed. Then the Government itself had to refer the case to the advisory body within 30 days and only with the approval of the advisory body could detention be allowed for a period not exceeding 12 months. The Advisory Council or Board consists of three persons who are, or have been, judges of the High Court, or are qualified to act as such. The Chairman of the Board in either case must be either an acting or an ex-Judge of a High Court. So, due precautions had been taken to safeguard the liberty of the individual.

It was but right that such care should have been taken. We are all anxious that the freedom of the speech, of action and of association should be safeguarded except when it transcends legitimate bounds and comes in the way and interferes with the freedom of larger groups or the mass of the people. It is only thus that every citizen can enjoy the fundamental rights which our Constitution has conferred on every one living in this land. It is in that spirit and with due regard to the principle approved by this House that the Act had been put into application.

I need not refer to any particular incident. We had a debate here yesterday, on the recent incidents in Kharagpur.

Shri Feroze Gandhi (Pratapgarh Distt.—West *cum* Rae Bareli Distt.—East) It has happened in Kalka today; a worse incident has happened in Kalka today.

Shri Raghunath Singh (Banaras Distt. Central): Four men died and six persons were injured.

Pandit G. B. Pant: There had been on outrage still more monstrous of which reports have reached today. So, while examing these statistics and figures and bearing in our mind the responsibility that we owe to the people of this country and to our Constitution, we have to guard against any statement that may further inflame the spirit which seems to be abroad and which happens to have been incited in certain quarters today. I will, however, not discuss, as I have said, individual cases.

Sir, on the 1st of October, 1954, the total number of persons detained in this vast country, inclusive of every State that forms part of our Union, was no more than 132.

Shri M. S. Gurupadaswamy (Mysore): If the number is so small, then why this Act?

Pandit G. B. Pant: The number is so small, but as care had been taken not to detain anyone who had not earned such detention richly. So, Sir, the number was no more than 132. Some hon. Members seem to be disappointed if not shocked on finding that the authorities have acted with such admirable care. The number on the 1st of October, 1955 was no more than 123, so that it was, if at all, a little less than what it was on the 1st of October, 1954. On 1st of January, the number was 131.

Now, I may just inform the hon. Members that during the year beginning 1st of October, 1954 and ending on the 30th of September, 1955, 325 persons were detained. As hon. Members are aware detention can be for any period not exceeding one year and, also, the detention may be ordered on any of the grounds mentioned in section (3) of the Preventive Detention Act; it may be for the security of India, it may be for the maintenance of public order or for the continuance and promotion of measures for supplies and services. So, considering all these classes the total number of detenues in these years was as I mentioned on these particular dates.

During the year 1954-55 the total number detained was 325 and the number released was 333. The term for which these persons were detained was ordinarily less than a year, otherwise the number remaining under detention at the end of the year would have been larger. During the three months of the last quarter of the last year, 64 persons were detained and 56 were released. During the first quarter of this year, 160 were detained and 96 were released.

Now, I would like hon. Members just to recall the figures of previous years, in 1950, 10962 persons were detained. As compared with 10962 the figures of the persons detained does not come even to 5 per cent. It has shrunk considerably. In 1951, the number of persons detained came to 2,316. In 1952, it came to 1,116. From these figures it will appear that the progress has been in the right direction. While time has been advancing, the number of persons detained has been diminishing.

Shri V. G. Deshpande (Guna): What was the number in 1953?

Pandit G. B. Pant: In 1952-53, the number was 736. So, year by year there has been some improvement.

I may also mention that the detention orders had been passed only in a few out of the many States in the country. At no time were more than half of the States involved in this manner, that is, more than half of the States did not detain a single person in the course of the whole of the year. It was only in a few places that the majority of the orders of detention were passed, and they were passed mainly for acts of violence or for incitement to violence. If you will knidly look at the statements, you will find that in the year 1954-55, the number detained, as I said, came to 307. Out of this, 106, as shown in statement 11 at page 15, were detained for violent activities, indulging in such activities or preaching violence; 41 for goondaism; 11 for communal activities; 5 for espionage; 8 for criminal activities and 36 for harbouring of dacoits. I imagine that no one in this House would have any sympathy with the activities for which persons had to be detained. No one here favours violence. No one here would like to connive at or be privy to goondaism in any shape or form. No one here would like to incite people to communal violence or to support communal activities. Similarly, espionage would not, I think, appeal to any one. Criminal activities too would not receive any sympathy here. Similarly, harbouring of dacoits would be regarded as a criminal act which no one would like to support. These orders were passed after due care and the reasons, as I have indicated are of a such a character that nobody can have objection to them on the basis of any creed, principle, ideology or faith.

I may also state here that there were special reasons too. In the year 1954-55 we had organised agitation of all kinds in the Punjab where morchas were held and more than 100 persons were detained on that account. Similarly, there were in Madhya Bharat inroads and depredation by dacoits. So, measure had been taken to protect the

[Pandit G. B. Pant]

people against dacoits and against those who harboured them. If you take away these figures, then what is left is much smaller than the total that I have given. You will also find that the activities to which I have referred had to be checked in order to protect the society and it had the salutary effect. Peace and tranquility were maintained. People were able to follow their lawful avocations and society was saved against marauders and persons who were interested in upsetting the existing order by recourse to violence.

I have referred to the period with which we are concerned here. I need not mention that similar was the case during the three months of last quarter of the last year. During this period, as I said, 64 persons were detained. No one was detained in 18 out of our 26 States. Madhya Bharat detained 11 for harbouring dacoits. In Punjab certain detention were made to guard against communal cleavage and all that ensues therefrom. In Rajasthan 11 persons were detained for violent activities and similarly some persons were detained here and there for hooliganism and goondaism. The details of the 64 who were detained are as follows, as given in the statement : 30 for violent activities, 12 for goondaism, 10 for communal agitation, 1 for espionage and 11 for harbouring dacoits. Taking the first quarter of this year, the total number of detenus has already been given. 134 persons were detained for indulging in violent activities, 3 for criminal acts, 11 for harbouring dacoits, and 3 under other causes. The number that was released during the year came to about 100. The Advisory Boards dealt with all cases of detention that were referred to them. Many of persons detained were released by the Governments concerned *suo motu* without any reference being made to the Advisory Boards. The orders of the Advisory Boards were carried out in every case. We have had to pass through difficult times. There have been orgainsed movements in certain parts of the country which have placed public order and traquility in jeopardy at times. Still the authorities have acted with marked restraint. I wish even such cases had not arisen, but their hands were forced and they had to pass such orders. My own wish is that in this country nobody may ever have to be detained. In fact I would go further and I wish that in course of time our country may show the way to other countries and even recourse to criminal acts and the enforcement of penal laws may not be necessary. But, till we have developed such a moral conscience or such a democratic conscience, we have to take necessary measures for the protection of society and for the promotion of activities which will lead towards the banishment of poverty, illiteracy, disease and unemployment from this country. In order to achieve this objective, it is necessary that such steps be taken, where conditions demand, as are essential and inescapable for the furtherance of the objectives which we all cherish. It is a matter of regret that incidents of the character which were the subject matter of discussion in recent weeks, especially the Kharagpur affair which came in for a very illuminating debate in this House yesterday, must put us on our guard. We must all use our influence and see that the spirit of violence does not grow and that nobody is in a position to lend his support directly or indirectly to methods which will only lead to disaster. That being assured, I think it should be the duty of every one of us to do all that we can to enable every citizen, every individual living in this land to live a good, happy, free and full life. That is our object and that is the object of these measures that we have to adopt much against our will in order to protect society against those who come in the way of the fruition of our dreams and I hope that this House will support such measures and will see that the spirit of violence is completely extinguished, eliminated and buried and that we all live in peace, in an atmosphere of goodwill, amity, comradeship and fellowship.

Mr. Speaker : Motion moved:

> "That the statistical information on the working of the Preventive Detention Act, 1950, during the period 30th September, 1954 to 31st March, 1956, be taken into consideration."

Shri Kamath : May I make a request Sir, before the discussion of this motion starts ? It is a quarter to Six now. We will be grateful if discussion of this motion could be held tomorrow. In the meantime, copies of the hon. Minister's speech may be made available to the Members so that they can study it.

Some Hon. Members : One Member can speak.

Mr. Speaker: Let me first of all take the amendments. The hon. Member is not interested in his amendments?

Shri Kamath: I am.

Mr. Speaker: All the information has been given to hon. Members. Each one can draw his own inferences. After all, it is not a long speech that the hon. Minister has made.

Shri Kamath: The figures?

Mr. Speaker: All the figures are up-to-date.

Shri Vallatharas (Pudukkottai): I beg to move:

That for the original motion, the following be substituted:

"This House is of opinion that a Committee consisting of 20 members from Lok Sabha to be nominated by the Speaker and 10 members from Rajya Sabha to be nominated by the Chairman, be appointed to consider and report on the working of the Preventive Detention Act, 1950 and the desirability or otherwise of continuing the Act or substituting it by other conducive measures."

(i) That for the original motion, the

Shri Kamath: I beg to move: following be substituted:

"This House having considered the working of the Preventive Detention Act, 1950, and the statistical information thereon, together with the general situation in the country, is of opinion that the Act should be repealed at a very early date."

(ii) That for the original motion, the following be substituted:

"This House having considered the working of the Preventive Detention Act, 1950 and the statistical information thereon, together with the general situation in the country, urges the Government to introduce in the next Session of Parliament a Bill to repeal the Act."

Mr. Speaker: I do not know how far these are in order. However, I am going to allow them. Government is being asked under a resolution to do things which the Member himself can do. He put questions. He need not ask the Government to put a question. Likewise, he can introduce a Bill to repeal another Bill whether it is sponsored by the Government or anybody.

Shri S. S. More (Sholapur): Is it not.....

Mr. Speaker: What is passing in my mind is this. A resolution can be passed asking the Government to do particular things, saying this House is of opinion, etc. When there is a Bill, anybody can bring a Bill to repeal that. That can be done by the hon. Member himself. I doubt wthether this kind of motion can be admitted. Anyhow, I do not want to go into that matter. I am allowing both amendments 2 and 3. I shall reserve for a future occasion after looking into this matter more thoroughly.

Shri Kasliwal (Kotah—Jhalawar): I beg to move:

That for the original motion, the following be substituted:

"This House having considered the statistical information on the working of the Perventive Detention Act, 1950, during the period 30th September, 1954 to 31st March, 1956 is of opinion that there is ample justification for continuing the Act upto the specified period."

Shri Raghubir Sahai (Etah Distt.—North—East *cum* Budaun Distt.—East) I beg to move:

That for the original motion, the following be substituted:

"This House having considered the statistical information on the working of the Preventive Detention Act, 1950 feels satisfied that the provisions of the said Act have been used with full sense of responsibility."

Shri Sadhan Gupta (Calcutta—South East) I beg to move:

That for the original motion, the following be substituted:

"This House, having considered the statistical information regarding the working of the Preventive Detention Act from 30th September, 1954 to 31st March, 1956, is of the opinion that the said Act has been used for supression of the legitimate political trade union and

[Shri Sadhan Gupta]

other movements of the common people and as such is a menace to civil liberties and that there is no justification for further continuing the operation of the said Act."

Mr. Speaker: All the amendments are now before the House.

Shrimati Renu Chakravartty (Basirhat) : Once more we are going to review the working of one of the most serious weapons we have put in our armoury of laws, the Preventive Detention Act.

Mr. Speaker: I shall allow 20 minutes to leaders of groups.

Shrimati Renu Chakravartty: This is the first time that the new Home Minister will be leading this discussion. He has said that in order to save the democratic concepts of our country, it is necessary to take such measures so that we can move towards banishment of poverty and unemployment. I felt as I heard him that never were such noble words used to cloak ignoble deeds. After all he has said nobody will support goondaism. Clearly nobody can support goondaism. I would like to ask the Home Minister, have we given the go by all forms of law, have we no laws in order to suppress all illegal actions. If that is not so, it is better that such a government does not exist which cannot continue by the ordinary rule of law. Especially I want this House to consider things in a cool atmosphere because passions have been roused by the motion that was made here about Kharagpur. It has been made clear by all sides of the House that the particular incident which was referred to was something that nobody supported. But, certainly it will be wrong to confuse a particular incident, whoever the person responsible for that may be, in order to blacken the methods of legitimate protest against the anti-people methods of Government. We do not stand for no control or punishment at all. Let there be control and punishment. The judiciary is there. Let there be a fair and open trial. That is the way a normal Government functions. I would like to ask the Home Minister if he is in a position to say that in India we are living in more difficult conditions than in Pakistan today. Especially I would like to refer to a statement made only on the 26th of May, a few days ago, by one of the great statesman, a very great leader of our nearest neighbour, from a country which is in a political ferment. Nobody can say....

Shri Feroze Gandhi: The Secretary of the Communist Party in Pakistan is in India.

Shrimati Renu Chakravartty: Shri Feroze Gandhi can take up cudgels when he gets a chance. He has had his say yesterday. Today I shall reply to him.

Nobody can say that the political ferment in Pakistan is not there or that the law and order situation there is better than in India.

Pandit G. B. Pant: Have they repealed the Central Preventive Detention Act or only the State Detention Act has been repealed ?

Shrimati Renu Chakravartty: It would have been good if any of our States had made that gesture even.

Pandit G. B. Pant: The States have not got it. We have got it in the Centre.

Shri Feroze Gandhi: The Secretary of the Pakistan Communist Party is in India.

Shrimati Renu Chakravartty: Shri Feroze Gandhi has taken upon himself to know everything about the Communist party and to interpret the communist party to the world. There have been greater figures who have done it and failed. I am afraid he is going fail. The tone in which he speaks often reminds me of those people.

I would like to refer to what Dr. Khan Saheb has said there. In this very session he said, they are determined to bring the necessary Bill for the repeal of the Preventive Detention Act. He said, we do not want to cling to any powers that can be misused or misunderstood.... (*Interruption*) .. My government is anxious to dispel the fears and suspicions of the common citizens and political opponents. He also referred to the fact that both in India and Pakistan—I wish Shri Feroze Gandhi listens to this....

Shri Feroze Gandhi: Would you deny that the Secertary of the Communist Party of Pakistan is today asking for Indian nationality ? Do you deny that ?

Shrimati Renu Chakravartty: What has that got to do with this?

Shri Feroze Gandhi: You cannot deny it.

Shrimati Renu Chakravartty: .... (*Interruptions*) There is a clapping society there which does not go into what is the argument that Shri Feroze Gandhi brings forward. The Secretary of the Communist Party of Pakistan applies for nationality of another country, therefore we must have preventive detention in this country. What kind of logic is this? This is something I would not expect from Shri Feroze Gandhi who I know has more brains.

Shri Feroze Gandhi: Why don't you go to Pakistan?

Shrimati Renu Chakravartty: Because I have not chosen to do so.

Shri Feroze Gandhi: You will be in jail.

Shrimati Renu Chakravartty: That is the reason why I am not going to be dictated by Shri Feroze Gandhi.

Shri Bhagwat Jha Azad (Purnea *cum* Santhal Parganas): There is the gate wide open in Pakistan.

Shrimati Renu Chakravartty: If we think it is necessary we shall certainly go to Pakistan and I do not think Shri Azad will be the person to be dictating that point to me.

It makes people very small when we point out that even in Pakistan this is happening. Dr. Khan Saheb has said: "My Government is anxious to dispel the fears and suspicions of the common citizens and political opponents." He also referred to the fact that both in India and Pakistan the Preventive Detention Act had been enforced for the last several years and the Governments had thought it fit and necessary to continue them. Yet his Ministry was of the opinion—mark the words—that it was right they should exist and function without the prop of extraordinary powers. Dr. Khan Saheb had thought it fit to pay heed to the common man's fears and the suspicions of political opponents. I would say that the Members on the other side have got such a big brute majority that it is not necessary for them to do this, and that is why....

An Hon. Member: Sensible majority.

Shrimati Renu Chakravartty: .... there is so much anger when we point out this to them.

Shri Bhagwat Jha Azad: Is it not a fact that Communist Party is illegal in Pakistan?

Shrimati Renu Chakravartty: Is that the reason why we continue the Preventive Detention Act here? It is illegal in many other parts of the world, and it may well be that we shall have to bear the brunt of repression here in this country too, because we have seen the signals and the danger points that have been raised already.

It is clear that this Preventive Detention Act was not meant to crush goondas or dacoits in Madhya Bharat. I shall prove it, and the interruptions from the other side have proved that the one intention of this Preventive Detention Act is to crush political opponents and the largest political opponent is the Communist Party, and there are some people who have openly stated so. It is to crush the discontent engendered by the policies of the Government that the Preventive Detention Act has been promulgated.

It has been stated that there were large number of detenus before and there are very small numbers today. Let it be remembered that it is not only by repressive measures that movements can be crushed. Certain policies change and that is why peopel also change. That is why today the Congress Govenment think that they will be able to keep people's movements down only by repression. That will be a very sad mistake that they will regret.

I know I do not have very much time because already the Members of the other side have been shouting and will be shouting at me because these very uncomfortable truths are told to them, and I am sure I can crave your indulgence that I may be protected and that I may be allowed to speak.

Shri Feroze Gandhi: When you say this, we shall keep quiet.

Shrimati Renu Chakravartty: It is very clear that what I have said has gone home. That is why there is so much perturbation there.

This year I feel it also takes on added importance because this is the last year of Parliament which passed the Preventive Detention Act and I feel it is necessary that before we go away from this Parliament we should be in a position to tell the country that it is not necessary for us to have such extraordinary powers and we should announce its repeal.

It is interesting to note the way in which many of the debates have been carried on, especially the debate that was carried on yesterday, with the charge-sheets etc., that have been given to us under the Preventive Detention Act. I find one very interesting point which I think is necessary to bring forward, and that is, by hook or by crook link up every legitimate method of protest, whether it is in Bombay, Bengal, Delhi or any other place, and whether it is a strike or a hartal or a satyagraha it is now sought to be put down to violence. Stray cases of violence there may be, but the tactics of Government is to link it up immediately with the issue in debate and say "No more strikes will be allowed". This is the method that is being adopted. Attack the weapon of legitimate protest, by linking it up with violence. This was done in the past, it is not something new. We saw it under the British. We see it today.

Everybody abhors violence. Yesterday Pandit Nehru was asking all political parties to make their position clear about violence. It was not necessary for him to do so. Every political party in this country I think has clearly stated that it does not stand for violence.

An Hon. Member: But still violence is being committed in India even today.

Shrimati Renu Chakravartty: Would the Congress Party state in every State there shall be no violence. You talk about good and evil. Even if there is violence, do you answer it with good, or do your answer it with bullets? That is the point. If you do not do that, do not talk about ahimsa. That is my reply.

Shri Feroze Gandhi: Why do you commit murder?

Shri Bhagwat Jha Azad: You should be allowed to commit murder?

Shrimati Renu Chakravartty: In the first part of the period under review that is 30th September 1954 to 1st October 1955, this Act was used freely against trade union activities, and in every case, of course, the administration has heavily spiced the charges with allegations of violence, because earlier the courts had dismissed cases and released political prisoners on the ground that they were not implicated with violence. That is why in order to make their case sustainable they have used again and again the word "violence" in almost every line of the charge-sheet.

I shall read out to you the various charge-sheets that we have. The Government also knows the handicaps which the detenus suffer from in appearing before the Advisory Board. He is given the grounds of detention and the right to representation no doubt, but he has no right to cross-examine the witnesses. The names of the informants are supplied by the Government, certain materials are placed before the Advisory Board, but if the Government states that to make known the informant would be dangerous for him or would prejudice the case, no Advisory Board would take it upon itself to make the material of the informant known to the detenu. That is why it is clear that the detenu does suffer under a great handicap. If really the charge is true it would be much better to hold it up before the whole country and let there be the proper course of law so that those who are criminals may be known to the country. Instead all the Government does is to try and approach the Advisory Board and to repeat the word "violence". I will go through some of the charge-sheets during this entire period and you will readily realise how this machination has been widely used to imprison political opponents. If one totals up the figures of the statements of those whose grounds of detention are given to be "violent activities," and if one checks it up with the political affiliation of the detenus given, one will find it is political opponents who are dubbed with this charge of violence. I have tried to work out, the figures it is rather difficult. Everywhere it is not given clearly, but I have tried to find out about those who are politicals in the column that is given. If you add it up and you try and see also those who are charged with violent activities, the two tally.

For instance in Bihar, there is one Communist and that one person is

charged with violent and terroristic activities. Bombay—7 C.P.I. and 2 Adivasi leaders and the total is 9 for violent activity, and so on and so forth it goes on. In Bengal it is 5 C.P.I., 12 Bolshevik party, 3 R.S.P., 1 INTUC—poor man, it was his folly, he must have joined the demands of the workers and that makes the total of 21 charged for violent activity. It will not also be out of place to total the number of cases where detention orders were made during the period 1st October 1954 to 30th September 1955 with a view to "preventing persons from acting in my manner prejudicial to the security of the State or the maintenance of public order. Out of 438 prisoners, including 128 who were already in detention on 30th September 1954, that is to say, out of a net total of 310, 196 were political prisoners. I make this statement in order to show that actually this is a political weapon utilised for crushing political opponents. I remember, Dr. Katju used to say always that this was necessary in order to check *goondas,* dacoits etc., but actually it is a political weapon. (*Interruptions*) Now, what does the break-up of the figures show? I do not understand why my hon. friend there should get excited.

Shri Nambiar (Mayuarm): If there is any violence, let us go to the court, and the court will decide. Violence has to be decided by the court, and not by shouts like this. Let the hon. Members keep quiet.

Shri Sadhan Gupta: Shouts do not prove violence.

Mr. Speaker: Order, order. Let the hon. Member proceed with her speech.

Shri Nambiar: We have patiently waited for many a minute. Let them understand that we also have tongues and throats.

Shri Gadgil (Poona-Central): We want preventive silence here.

Mr. Speaker: Preventive detention is for outsiders....

Shri Nambiar: We also know how to shout....

Mr. Speaker: ....So, let there be no trouble in the House.

Shri Nambiar: ....We have patiently waited for a long time. But there is a limit to one's patience.

Mr. Speaker: Order, order. Let the hon. lady Member go on with her speech.

Shri Ragunath Singh: It is already six o' clock.

Shrimati Renu Chakravartty: I hope you will give me some more time so as to make up the time taken by the interruptions of the hon. Members.

Mr. Speaker: I thought that if the House were willing, I could allow the hon. lady Member not to break the thread of her speech but to continue and finish her speech, and then we could take up other matters. I would request hon. Members not to make any more interruptions.

It is past six o' clock already, and we have been waiting for the half an hour discussion for so long. It should start now.

Shri A. K. Gopalan (Cannanore): May I make one submission? We have been in this House for the last four years and sometimes there used to be some shouting and other things in the course of the discussion. But every time when the discussion on the working of the Preventive Detention Act has taken place, we have been finding that there is some shouting or some interruption or other, which is absolutely unnecessary. From the beginning of the discussion, I have been noticing this. I do not know how we are to proceed. Let Government speak anything they like, and when they speak, we shall see that we hear them. Similarly, when we also speak, there should be a patient hearing given to us. I have been noticing for the last fifteen minutes today, that for everything that is said on this side, there is some shouting or other from the otherside. If they can shout like that certainly friends on this side also will do the same thing. If my hon. friend the Home Minister does not want us to give an opinion on these things, then let the whole thing be passed off, and we shall have absolutely nothing to say against it. But if he wants that we should express our opinions, then we should be allowed to do so. Whatever opinions Government want to express, they have the right to say. Yesterday, they had said so many things, but nobody on this side said anything about it. After all, we are discussing the working of an Act. If there is anything said against it, then hon.

[Shri A. K. Gopalan]

Members on the other side should hear it patiently ; after all, they have also an opportunity to speak about it. Or else we shall not be able to conduct business in the House.

Pandit G. B. Pant: I would like to appeal to my friends to let Shrimati Renu Chakravartty or any other Member who speaks, to have ample and free latitude to say what she or he likes to say. We are here to listen and to benefit by their advice, because it is only through interchange of ideas and thoughts in this House that we can try to learn some lessons, and we may expect even that on the other side, they will not be incorrigible.

Shri Bhagwat Jha Azad: What about the half an hour discussion? It is already 6-5 P.M.

Mr. Speaker: It will start after the lady Member finishes her speech.

Shrimati Renu Chakravartty: I hope you will give me at least another fifteen minutes.

Shri S. S. More: Let us adjourn now. We are completely exhausted.

Mr. Speaker: Very well, the hon. lady Member may resume her speech tomorrow. Now, we shall take up the half-an-hour discussion.

ACTION TAKEN ON JAUNDICE ENQUIRY COMMITTEE'S REPORT

Shri Bhagwat Jha Azad (Purnia *cum* Santhal Parganas): Having been shocked beyond limit by the statement of the Health Minister in reply to starred question No 1882 on 2nd May 1956, I and some of my friends in this House were forced to ask for this half an hour discussion.

The point that I want to raise in the course of this discussion is very simple. We do not want to go into the report of the Jaundice Enquiry Committee, but we want to know what action has been taken against those officers who have been held responsible for such a large number of casualities in this capital city of India.

The Report of the Jaundice Enquiry Committee has made it clear that the Member-Secretary of the Joint Water and Sewage Board had failed and failed miserably, to report to the authorities about the contamination of water. Owing to the failure of the Member-secretary to inform in time the health authorities of the contamination of water, there was a great calamity in this capital city, and it swept away a large number of citizens of Delhi.

From the answer given by the Minister, we find that this matter falls within the competence of Delhi Joint Water and Sewage Board, and therefore, the question of Government taking any action does not arise. I would like to know whether that Board is above Parliament whether it is a Board which cannot be questioned by this Parliament for its failure, and miserable failure at that, to discharge its responsibilities. We had a two-hour discussion in this House on the *Report of the Jaundice Enquiry Committee*, and in the course of the discussion, it was unanimously focussed by all Members that those persons who were responsible for this should be brought to book. But we find that the Member-secretary has been given only a warning. Am I to understand, and is this House to understand that the punishment given to the Member-secretary, who was responsible for so many deaths in this capital city of India should only be a simple warning? Are we to undestand that the Member-secretary who failed. and failed miserably, to inform the authorities in time of the fact that the Water had been contaminated, should be left scot-free with only a simple warning? This House has very strongly said on previous occasions, while discussing this matter, that the persons responsible should be brought to book, and very strong punishment should be given to them.

[MR. DEPUTY-SPEAKER *in the Chair*]

The other day, the Health Minister said that in regard to Mr. Katwala, the Board was satisfied. This is what she has stated :

> "As regards Shri Katwala, the Board was satisfied that he did not mean what the words used by him actually conveyed to the Jaundice Enquiry Committee."

Sir, this a very strange plea that is advanced. The officer had given something in writing before the Jaundice Enquiry Committee. Now, the Minister

comes and says that the officer did not mean what he had said in writing. Henceforth, this will go on record that the officer while tendering evidence or giving his opinion or taking any action may say something but when he is brought to book, he can say, 'Sir, I did not mean it. I did not mean what I had written, or what opinion I had expressed, or what evidence I had tendered'. This is a strange plea that can be put forward by any authority, whether it be the Delhi Joint Water and Sewage Board or any other, to save the officer who has been held responsible for the loss of so many lives in this city. I would like to quote just a few words from the Report of the Jundice Enquiry Committee in order to point out what that committee has to say about this particular officer.

Shri B. S. Murthy (Eluru) : Not simple warning, but compound warning.

Shri Bhagwat Jha Azad : I am talking about Shri Katwala, the officer who has not been given a warning. It was said that he did not mean what he said in writing to the Committee. This is a strange plea. An officer writing something to a Committee makes a mistake and when caught hold of, says, 'I did not mean it'. What a nice plea, what a wonderful statement, what a nice excuse, to save a man from the responsibility of committing a heinous crime resulting in a hundred deaths in this capital city of India.

The Committee has devoted a special paragraph for this officer. It says:

> "Altogether, the Committee cannot help feeling that Shri Katwala not only failed to realise his responsibilty to take note of the results of chemical analysis and to carry out further necessary preventive measures and purificator process but he also made repeated attempts to divert the responsibility on to other people."

He not only failed to realise his responsibility but he repeatedly attempted to pass on the responsibility to others. The Committee says that he failed in the discharge of his responsibility. And what was the responsibility ? The responsibility was to find out if the water is not contaminated. The responsibility was to inform the Board and the health authorities about the contamination of water which resulted in such a widespread epidemic in this city as a consequences of which there were so many deaths. It is a strange thing that that clear verdict given by a competent authority, by an Inquiry Committee, about the officers who were responsible for the heinous crime, which has occurred never before in the history of this country, has been treated in this manner. The Board has not only not given a warning to Shri Katwala, but it has said that he did not mean what he said in writing or what he deposed before the Committee.

Henceforth, whenever a person is caught hold of, they will say, 'He never meant it'. I would like to impress upon the Minister in charge that this House is unanimously of the opinion that it can never let off such persons who were responsible for such heinous crimes. I demand that this Board which has so shabbily treated the opinion of this House which unanimously said that they must be brought to book, should be dissolved immediately and the Chairman who is responsible for conducting the activities of this Board should be asked to quit immediately. This Board I repeat, should be dissolved. This Board is not above this Parliament; this Board is not above the people's opinion; this Board is not above the verdict given by the Inquiry Committee which clearly says that they were responsible for this heinous crime.

Therefore, I demand that this Board should be dissolved. Secondly, I demand that those two officers who were responsible should be brought to book and adequately punished. The simple plea of the Health Minister, 'What can Government do in the matter?' is unacceptable. Government can do a lot. It is their responsibility to see that such a Board which has behaved so badly in letting off the criminals who were responsible for the deaths should be dissolved and that persons responsible should be punished adequately.

I am sure this House is unanimously of the opinion that the persons responsible should be punished, and punished adequately. My only point in raising this half-an-hour discussion was to demand action on the part of Government in view of the answer of the Health Minister, 'I am sorry'. I, therefore, want that this should be immediately taken note of and Shri Katwala and the Member-Secretary should be awarded adequate punishment for their heinous crime.

Mr. Deputy-Speaker : I shall now call upon Shri D. C. Sharma. I suppose the hon. Member knows the rules. The Member who has given notice may make a short statement and the Minister concerned may reply shortly. Any Member who has previously intimated to the Speaker may be permitted to put a question for the purpose of further elucidating any matter of fact. So other Members would take only a minute or two so that the hon. Minister might be able to give a full reply.

Shri D. C. Sharma (Hoshiarpur): I want to ask only two questions. My first question is what action have the Government of India taken so far on the Report of the Jaundice Inquiry Committee. So far as I know, every attempt has been made to white-wash whatever has been done. The Second question is, why is it that the officers who have been held guilty at the bar of public opinion have not been charge-sheeted and why have they been allowed to go about without their conscience and their carreer called into question on account of the great tragedy that they wrought ? I may tell you that my steno-typist has been suffering from jaundice even during the month of April. The poor fellow came to work with me only two days ago. So even now the jaundice epidemic is on.

Shri Radha Raman (Delhi City) : I just want to add two more questions to those of Shri D. C. Sharma's. There is a strong feeling among the people in the City of Delhi that Government of India have not taken with that seriousness that is required, the question of taking action against the officers who were responsible for the contamination of water and the resultant deaths and all that I want to know whether, in order to remove that feeling amongst the people of Delhi, the Central Government propose to take any steps.

Then it has been said very frequently, say on several occasions before, there are so many drains and sewers discharging their filth and dirt of certain areas and townships which are created round about Delhi. In spite of the fact that there has been this jaundic epidemic and some action taken to avoid recurrence of contamination, there are still many sewers carrying filth into the Jumna river, making the water contaminated. May I know what immediate action Government propose to take to stop these sewers and drains to carry their filth in river in order to give confidence to the people of Delhi that they are getting good water now ?

Dr. Suresh Chandra (Aurangabad) : I only want to know what action the Minister has taken after the debate in Parliament. Parliament had unanimously demanded certain action from Government with regard not only to the officers but also to having a fresh inquiry into this matter. I want to know whether any action has been taken, and whether there has been any effect of the debate and the demand made by Parliament.

The Minister Without Portfolio (Shri Krishna Menon) : Mr. Deputy-Speaker, Sir, from the papers that I have before me, it would appear that the proceedings of this afternoon are to be confined to the answer on the attitude of the Ministry in regard to three officials concerned in this great calamity. It is natural that in raising that question the merits of other matters have come in. Therefore, I do not complain about the wider field that has been traversed by previous speeches.

I hope Mr. Deputy-Speaker, you will forgive me—I am a new boy in the school.

Shri A. M. Thomas (Ernakulam) : But an experienced boy.

Shri Krishna Menon : I hope you will not mind if I reverse the order in which these questions have been raised, because the seriousness with which all sides of this House have looked upon this question is a proclamation of the public interest in this matter and of the great sense of civic responsibility. While it may appear that at the present moment we are considering what punishment should be meted out, the real thought in the minds of people is how such a tragedy should be prevented in future. I am sure there is no one in this House who really wants to mete out punishment for some sadistic reason. They want to mete out punishment as a deterrent to wrong action in the future. The real thoughts in the minds of all Members of this House is the gravity of the problem which has resulted in 84 deaths and somewhere about 3000 infections.

It is also brought to our mind that in a country like ours where we are, perhaps, rapidly moving—some people

would think otherwise and say we are not moving rapidly enough in the conditions of living—the older and out of date mechanical arrangements will tend to produce these tragedies without giving notice to us so to say! In the old days when we used to take water out of the wells, we tested in some sort of way and not in modern ways and each one went on making his own arrangements. In those days, conditions were different and the methods that were applied were of a different character. Provision had also not been made in respect of water and sewage in those past days which were sufficiently rigid. Even in most advanced countries with regard to dealing with the effect of infection by virus, and not by bacteria, the position is difficult. No explanation, however, will bring back the lives of the people who are dead and what is more, no explanation of this kind does, at any time, exonerate any Government from responsibility of a moral character. It would be a bad day in a system of parliamentary government if representatives of Government cannot stand up and say that they accept moral responsibilities. I would like, at this moment, to pay my tribute to my absent colleague the hon. Health Minister who accepted such responsibility. But, equally, it must be said that when the Minister stands up and says that she accepts the responsibility, it must be understood that that responsibility must stand limited by the provisions of the Constitution and by the advice that is given to her by the Law Officers of the State. That is the position.

I, therefore, return to the problem which is basic today. This concerns the infection of water, by whatever cause it may be. As a result of the tragedy a committee was appointed. That committee produced some recommendations. Arising from those recommendations, a further Expert Committee was appointed, I am happy to say to the House that out of those many recommendations that have been made —and during this short debate you would not expect me to go into greater detail about them—out of the many recommendations made by the Jaundice Enquiry Committee, most substantial ones have been accepted and all considered are now being carried. If nothing else happens out of this debate, if nothing else happens out of the expressions of the feelings of hon. Members of this question, this itself would have been a good result. There are, on the whole 13 main recommendations.....

Shri Bhagwat Jha Azad: May I point out that on the last occasion when there was a two hours' debate in this House, all these points were covered. The scope of this half-hour discussion is limited to only one point, that is to say, what measures have been taken against the responsible officers and why the officers who were held responsible for negligence resulting in the death of so many persons were not brought to book. Why were they not punished? Only that part has to be answered in this House.

Mr. Deputy-Speaker: I am quite sure the hon. Minister is coming to that.

Shri Krishna Menon: I could not agree more! I did not frame the present charge-sheet. The hon. Member asked for the information, as to what has been done in this matter. I try to answer him. Well, if that is not the view of the House, I need not refer to all these matters and I am willing to pass on to the other one.

There are three officers concerned, one the Secertary-Engineer, another the Superintendent of the works and the third the chemist. I am asked—and I take it from your response that your ruling is that one has—to confine oneself to the narrower limits less as to what action....

Mr. Deputy-Speaker: Other things could be referred to but the question that has been raised has to be answered.

Shri Nambiar (Mayuram): I may submit that, in the larger interest of the safety of the people and in the interest of preventive measures being taken, the hon. Minister may be allowed to explain what all recommendations have been accepted and what has been done so that we can come to the other point also. That may also be referred to.

Mr. Deputy-Speaker: We cannot enlarge the scope of the discussion that we have before us. As particular proposition has been put forward before the House to consider and the mover has made a definite statement briefly, though he has also gone into certain other fields. But now that statement has to be answered definitely though other references were made by him.

Shri Krishna Menon: The Government is not particularly exercised about introducing these matters into this debate, because it has got other methods of informing the House—*e.g.*, by laying it on the Table. But doubts and questions were raised in the previous speeches and I did not want the House to feel that there are no answers to them and to be left with the feeling that satisfactory measures are not taken. Ministers are always in the position of either explaining too much or too little. I was therfore trying to explain as much as necessary for this debate.

Without taking any more time on this, I will come to the matter on which the debate was scheduled. The position with regard to the persons concerned in this matter was, that, as the House knows, the Enquiry Committee had made certain observations. These observations relate to these gentlemen. The first person had not taken steps to inform the Medical Authorities; he would have been wiser if he had done so; although he had no statutory obligation to do so, he could have informed the Director of Health at an earlier period that he acknowledged.

I want to absolve myself and the Ministry and the Government from the position of being the body that is going to question which are the Board's functions in respect of this matter. The basis of this matter is that the authorities responsible for investigating these charges are the Board, acting under the Commissioner of Delhi as its president. We have taken legal opinion in this matter, and while we have no desire to pass on the responsibility to any one else, it is quite clear that the Health Ministry, as at present, has no authority over these people directly in the present context. I was told that Parliament can do what it likes. That is true, but Parliament itself constituted this Authority and Parliament itself endowed it with powers. Parliament created the Supreme Court of India and when it passes decisions which may be against opinion in Parliament, you cannot just say that you will overrule them and pass other decisions. This Authority has acted within the statutory powers which created that body, and whether we like it or not, the powers of punishment are transferred to them under section 27 of the rules and bye-laws, and also under section 28. All the powers in regard to removal of members, punishment, etc., are vested in Authority under bye-laws which are framed under the statute enacted by Parliament. It is not possible to operate or modify laws except in a legal manner. We have sometimes to meet the difficulties that raise from deficiencies in the law. We have to meet them in the proper legal procedures. Therefore, it is not a valid argument to educe that Parliament is sovereign, and therefore it can do what it likes.

The attention of all concerned has been drawn to the concern of this House, and I would give an undertaking that whatever is said here today, and the feelings and temper of this House would be adequately communicated to those concerned by the Ministry. We could not, without breach of statute directly interfere in this matter; that would be against the law: that would be against the advice that has been given to us; and that would be against the general practice of orderly government. That is not so say that the Ministry itself, if it had to deal with these persons, would not have dealt with them differently. An appeal court would differ in its view of how a thing should have been done. In this case we are not even an appeal court. The Ministry has no authority under the existing law to deal with these men.

Shri Raghunath Singh (Banaras Distt. Central): Then, who has got authority, may I know?

Mr. Deputy-Speaker: Let us hear what the Minister has got to say.

Shri Krishna Menon: In my feeble way I am trying to explain that. The Superintending Engineer of the Delhi State and Member-Secretary of the Delhi Joint Water and Sewage Board are there, and three-fourths of the salary of the later are paid by the Delhi Joint Water and Sewage Board and one-fourth by the Delhi State Government. The authorities over him are the Board and the Commissioner. The Commissioner has approved of these decisions and has said that no further action is necessary. I have looked up all the Authorities on the question of powers in this matter and I find that the Central Government can interfere only under section 40 of Part C States Act of 1951, which gives the President certain powers. Those powers, however,

are not intended for purposes like the present; those powers are intended for suspension of the Constitution and such like. Now, that is a matter which cannot be decided in a debate of this kind. There is no method by which the Minister can override the decisions of this committee which is charged by the statute and by the rules made thereunder to award punishments. That may be a very unsatisfactory state of affairs and this House in its wisdom may have to consider it. This opens up a field of enquiry. But this House knows very that if the Central Government begins to interfere with the affairs of States, whether they be A, B or C, there will be an awful uproar for all sorts of reasons.

A question has arisen. The country is aroused about the tragedy and what is more, the House is not satisfied about the degree of punishment awarded. As I said, the Ministry istelf may or may not have other views about it but it is no use expressing a view on a matter on which it has no competence. That is a tribunal under the statute; that statute is legal. Certain things are laid down. There have also certain rights been vested in the individuals concerned. In order to make the position the legal factors have been closely examined and we are told that the Chief Commissioner of the Delhi State has to take the action concerned. The Central Government have powers to give direction to the Chief Commissioner usually speaking. This is not a case in which such a direction can be given. After all a direction can be given only before he has signed and passed judgment. How can we know what he is going to decide or what he was not going to decide? It is not a in which the Central Government can interfere.

I want to add once again this. From all the papers I have seen, the conduct of these officers may have deserved more severe treatment. It is not for me, who is not competent, to give a decision on account of the limitations imposed by law and respect for parliamentary obligations, to pronounce upon that. I would say that there has been a dereliction of duty, error of judgment—what is more, the attempt to pass on responsibility to someone else including the enquiry committee. That is a most deplorable state of affairs. So far as these men are concerned the disease that visited a large number of Delhi citizens and the tragic results are on their conscience, they would also have in their ears and their minds, the censure that has been conveyed, though not by a resolution but by the speeches and the utterances, and the sentiments of this House. That, itself I think, would be punishment. If the House desired to take further steps, that would be a matter that would have to be dealt with according to the procedure laid down for the purpose.

Shri Bhagwat Jha Azad: The hon. Minister himself admitted that the punishment given was far from satisfactory. May I know whether the Government will take such action through Parliament which will take away the power from the Board and punish them by other methods. (*Interruptions*).

Mr. Deputy-Speaker: Order, order. He has made it clear that he also feels that the punishment is not adequate. But there must be other methods of pursuing the matter. There are other remedies open to the hon. Members to pursue the matter. (*Interruptions.*)

Some Hon. Members *rose*—

Mr. Deputy-Speaker: Order, order. Now the discussion is closed. There is no motion before the House and there is nothing that we can pursue. I shall take up the next business.

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message from the Secretary of Rajya Sabha :

> "I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 29th May, 1956, has passed the following motion :"
>
> *Motion*
>
> "That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do agree to leave being granted by the Lok Sabha to withdraw the Bill to amend the Manipur State Hill Peoples (Administration) Regulation, 1947, for the purpose of making provision for elected village authorities and for matters connected therewith, which was passed by the Rajya Sabha on the 21st September, 1954 and laid on the Table of the Lok Sabha on the 23rd September, 1954".

6.35 P.M.

The Lok Sabha then adjourned till Ten of the Clock on Wednesday the 30th May, 1956.

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PAPERS LAID ON THE TABLE . 9869-70

A copy of each of the following statements showing the action taken by the Government of India on various assurances, promises and undertakings given by Ministers during the various Sessions shown against each was laid on the Table :—

(1) Supplementary Statement No. III—Twelfth Session, 1956 of Lok Sabha.

(2) Supplementary Statement No. VI—Eleventh Session, 1955 of Lok Sabha.

(3) Supplementary Statement No. X— Tenth Session, 1955 of Lok Sabha.

(4) Supplementary Statement No. XV—Ninth Session, 1955 of Lok Sabha.

(5) Supplementary Statement No. XXII–Seventh Session, 1954 of Lok Sabha.

(6) Supplementary Statement No. XXX—Sixth Session, 1954 of Lok Sabha.

(7) Supplementary Statement No. XXXV—Fifth Session, 1953 of Lok Sabha.

REPORT OF ESTIMATES COMMITTEE PRESENTED 9870

Thirty-second Report was presented.

REPORT OF PUBLIC ACCOUNTS COMMITTEE PRESENTED 9870

Sixteenth Report was presented. . . .

REPORT OF COMMITTEE ON ABSENCE OF MEMBERS FROM THE SITTINGS OF THE HOUSE PRESENTED 9870

Fifteenth Report was presented.

STATEMENT *RE* LOCK-OUT IN CASHEWNUT FACTORIES . . 9870-71

The Minister of Labour (Shri Khandubhai Desai) made a statement regarding the alleged strike and Lock-out in Cashewnut factories in Central Travancore.

ARREST AND RELEASE OF A MEMBER . . 9871

The Speaker informed Lok Sabha that he had received a letter dated the 26th May, 1956 from the Superintendent of Police, Ludhiana, intimating that Shri Saidullah Khan

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Razmi, a Member of Parliament was arrested by the Ludhiana Police at 6. P.M. on the 25th May, 1956 in cases F.I.R. No. 189 and No. 190 Police Station, City Ludhiana dated the 31st March, 1956 under section 9P.S.S.Act and 506 I.P.C. and was released on bail at 7-30 P.M. the same day .

BILL PASSED 9874-9978

Discussion on motion to consider the Constitution (Tenth Amendment) Bill, as reported by the Joint Committee, was commenced. Clauses 2 to 4 and 1 were adopted and the Bill, as amended, was passed.

GOVERNMENT MOTION UNDER DISCUSSION 9979-95

Discussion on motion *re* working of the Preventive Detention Act moved by the Minister of Home Affairs (Pandit G. B. Pant) was commenced. The discussion was not concluded.

HALF-AN-HOUR DISCUSSION . 9995-10006

Shri Bhagwat Jha Azad raised a half-an-hour discussion on points arising out of answer given on the 2nd May, 1956 to Starred Question No. 1882 regarding Jaundice.

The Minister Without Portfolio (Shri Krishna Menon) replied to the debate

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MESSAGE FROM RAJYA SABHA 10006

Secretary reported that Rajya Sabha concurred in the recommendation of the Lok Sabha that Rajya Sabha do agree to leave being granted to withdraw the Manipur State Hill Peoples (Administration) Regulation (Amendment) Bill.

AGENDA FOR WEDNESDAY, 30th MAY, 1956—

Consideration of Rajya Sabha's amendments to Representation of the People (Second Amendment) Bill. Discussion on motion *re* Preventive Detention Act; Exodus of Hindus from East Pakistan to India and Rules *re* emergency recruitment to I.A.S.

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